



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

MAY 7, 2020

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

This meeting will be held telephonically and recorded. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing planning@ggcity.org no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record and will be uploaded to the City's website.

In light of health risks associated with COVID-19, members of the public are asked to consider very carefully before attending this meeting in person and to maintain a six foot distance from others. Please do not attend this meeting if you have traveled internationally, particularly to China, Italy, Iran, Japan, South Korea, Taiwan, and/or have had direct contact with someone who has travelled to those places or tested positive for Coronavirus (COVID-19), or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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

ROLL CALL: CHAIR LEHMAN, VICE CHAIR PEREZ
COMMISSIONERS LE, LINDSAY, NGUYEN, RAMIREZ, SOEFFNER

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 Community Meeting Center 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.

A. ORAL COMMUNICATIONS - PUBLIC

B. APPROVAL OF MINUTES:

April 16, 2020 Minutes will be available for consideration at the June 4, 2020 Planning Commission Meeting.

C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. CONDITIONAL USE PERMIT NO. CUP-182-2020

APPLICANT: WILLY KAZIMI OBO ATT WIRELESS

LOCATION: EAST OF EUCLID STREET, NORTH OF BIXLER CIRCLE
AT 11832 EUCLID STREET

REQUEST: Conditional Use Permit approval to allow the construction and operation of a sixty-foot (60') tall stealth wireless telecommunication facility disguised as a pine tree (mono-pine), with related ground-mounted equipment. The site is in the R-1 (Single-Family Residential) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-182-2020, subject to the recommended Conditions of Approval.

C.2. CONDITIONAL USE PERMIT NO. CUP-184-2020

APPLICANT: DS LE INC.

LOCATION: SOUTHWEST CORNER OF WESTMINSTER AVENUE AND
LAKE STREET AT 10602 WESTMINSTER AVENUE

REQUEST: Conditional Use Permit approval to operate an existing service station, OC Gas, with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer & Wine) License. The site is in the C-1 (Neighborhood Commercial) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-184-2020, subject to the recommended Conditions of Approval.

C.3. CONDITIONAL USE PERMIT NO. CUP-185-2020

APPLICANT: TINA NGUYEN

LOCATION: SOUTHWEST CORNER OF BROOKHURST STREET AND GARDEN GROVE BOULEVARD AT 10130 GARDEN GROVE BOULEVARD

REQUEST: Conditional Use Permit approval to upgrade the current State Alcoholic Beverage Control (ABC) License from a Type "41" (Off-Sale, Beer and Wine – Eating Place) License to a Type "47" (On-Sale, General – Eating Place) License, for an existing restaurant, Oc & Lau. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines. Upon approval and exercise of the subject request, the Conditional Use permit previously governing the tenant space, CUP-013-2014, shall be revoked and become null and void.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-185-2020, subject to the recommended Conditions of Approval.

C.4. SITE PLAN NO. SP-083-2020

APPLICANT: MARK TRAN

LOCATION: WEST OF ADELLE STREET, BETWEEN GARDEN GROVE BOULEVARD AND ACACIA AVENUE AT 12881 ADELLE STREET

REQUEST: Site Plan approval to demolish an existing duplex (two detached units) and an existing garage, to construct a new attached, three-story, four-unit (quadplex) apartment building. The site is in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-083-2020, subject to the recommended Conditions of Approval.

C.5. SITE PLAN NO. SP-084-2020
TENTATIVE PARCEL MAP NO. PM-2020-112

APPLICANT: THAI VIEN NGUYEN & ANH M. THAI

LOCATION: BETWEEN MACMURRAY AND MAGNOLIA STREETS,
NORTH OF CHAPMAN AVENUE AT 11841 MAGNOLIA
STREET

REQUEST: A request for Site Plan approval to construct two (2) new single family residences at 11841 Magnolia Street. Each home will be 3,175 square feet, with 5 bedrooms, 4 baths, kitchen, living room, family room, dining room, and 706 square foot 3-car garage. Also, a request for a Tentative Parcel Map approval to subdivide the existing 15,552 square foot property into two (2) equal parcels of 7,776 square feet each. The site is in the R-1-7 (Single-Family Residential) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 – Minor Land Divisions.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, subject to the recommended Conditions of Approval.

C.6. CONDITIONAL USE PERMIT NO. CUP-186-2020

APPLICANT: PHASE DIAGNOSTICS, INC.

LOCATION: SOUTH SIDE OF ACACIA AVENUE BETWEEN NUTWOOD
AVENUE AND JOY STREET AT 10527 GARDEN GROVE
BOULEVARD

REQUEST: Conditional Use Permit approval to operate a new "Industry, Standard" use, Phase Diagnostics, Inc., which specializes in research and development of novel sample preparation and diagnostic technologies and products, including the manufacturing and wholesales of life science research tools. The site is in the A-R (Adaptive Reuse) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-186-2020, subject to the recommended Conditions of Approval.

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

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: East of Euclid Street, north of Bixler Circle, at 11832 Euclid Street
HEARING DATE: May 7, 2020	GENERAL PLAN: Low Density Residential (LDR)
CASE NO.: Conditional Use Permit No. CUP-182-2020	ZONE: R-1 (Single-Family Residential)
APPLICANT: Willy Kazimi obo AT&T Wireless	APN: 090-641-02
PROPERTY OWNER: First Presbyterian Church of Garden Grove	CEQA DETERMINATION: Exempt 15303 – New Construction or Conversion of Small Structures

REQUEST:

The applicant is requesting Conditional Use Permit approval to allow for the construction and operation of a 60'-0" tall, unmanned, wireless telecommunication facility disguised as a broadleaf tree (mono-broadleaf), along with an 8'-0" tall equipment enclosure (Assessor's Parcel No. 090-641-02).

BACKGROUND:

The subject site is approximately 4.62 acres and is located on the east side of Euclid Street, north of Bixler Circle, at 11832 Euclid Street. The site is improved with the First Presbyterian Church facility built in 1965. The site is improved with the main sanctuary building, pre-school and daycare facilities, administrative offices, outdoor play areas, and basketball court.

The property has a General Plan Land Use designation of Low Density Residential (LDR) and is zoned R-1 (Single-Family Residential). The properties to the east and south are zoned R-1 and are improved with single-family homes. The property to the north is zoned R-3 (Multiple-Family Residential) and is developed with a multifamily apartment. The properties to the west are zoned R-1 and O-P (Office Professional) and are developed with single-family homes.

The applicant, AT&T Wireless, is requesting to construct and operate a new, unmanned, 60'-0" tall mono-broadleaf wireless facility directly east of the existing sanctuary building, within an existing planter. The applicant is also proposing an 8'-0" tall, 35'-0" by 7'-0" equipment enclosure, with a total lease area of approximately 360 square feet.

A new facility is needed by AT&T Wireless in order to close a significant gap-in-coverage to relieve network traffic congestion, and ensure reliable levels of

service due to AT&T's existing and surrounding wireless facilities becoming overloaded beyond their capacity when more enhanced voice and data services are used (5G and other high-speed data services). In order to allow the construction of the proposed mono-broadleaf, approval of a new Conditional Use Permit is required.

The legal ad indicated that the proposal was for a mono-pine wireless facility, as originally requested by the applicant. However, the applicant is requesting the facility to be disguised as a mono-broadleaf tree to better conceal the antennas. Staff is of the opinion that the mono-broad leaf tree will complement the existing on-site trees and is supportive of the change.

DISCUSSION:

AT&T Wireless is proposing to lease 360 square feet of land area behind the existing sanctuary building, to install a new 60'-0" tall wireless telecommunication facility disguised as a broadleaf tree (mono-broadleaf), along with related equipment to be installed within an 8'-0" tall, 35'-0" by 7'-0" equipment enclosure. The equipment enclosure is proposed as a CMU block wall with a stucco finish to match the color and texture of the existing church. The proposed equipment enclosure will house ground-mounted equipment, which will include one (1) generator, four (4) equipment cabinets, four (4) surge suppressors, and one (1) power cabinet.

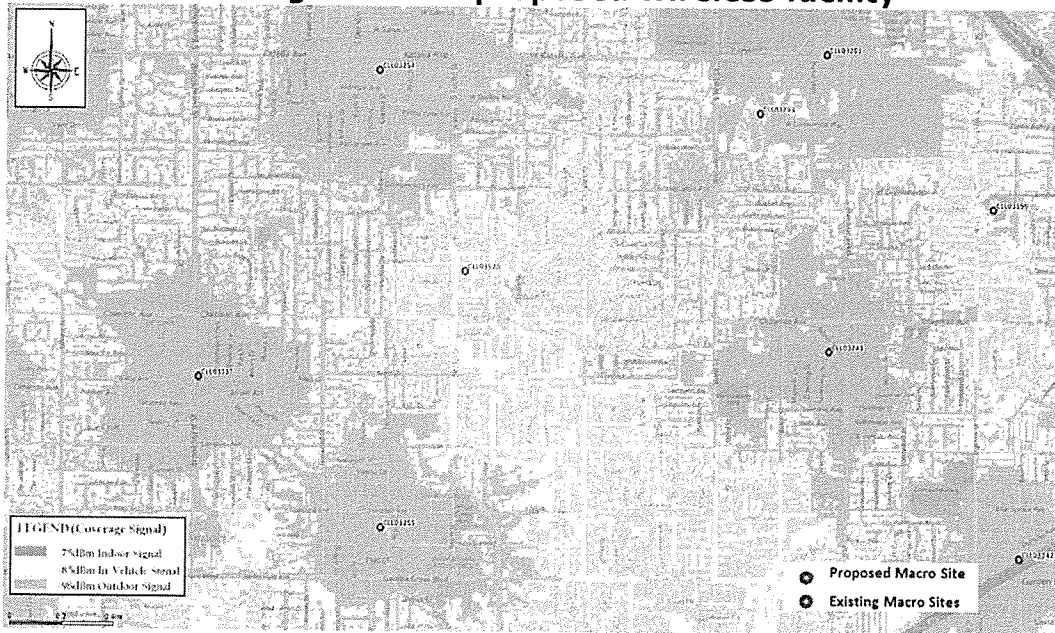
AT&T Wireless has secured an on-site non-exclusive parking space (9'-0" x 19'-0") along with a 5'-0" wide access route to access the equipment enclosure for maintenance purposes. There is an existing accessible path of travel surrounding the planter where the new enclosure will be located that will remain clear and unobstructed and will not be affected by the proposed wireless facility. The existing parking layout, other landscape planters, and access to the church building will remain unaffected.

The new 60'-0" tall mono-broadleaf will be installed directly adjacent to the north of the enclosure within an existing landscaped area. The proposed mono-broadleaf will consist of twelve (12) eight-foot (8'-0") tall panel antennas (three-sector antennas with four (4) panel antennas per sector) mounted at the 51'-0" antenna centerline. Each sector will be attached to the pole of the mono-broadleaf by a four-foot (4'-0") long T-arm antenna mount. Four (4) surge suppressor raycap units will be attached to each T-arm antenna mount along with 36 wireless radios (three-sectors with twelve (12) radios per sector). One three-foot (3'-0") microwave antenna will be installed and attached to the main pole of the mono-broadleaf at the 40'-0" microwave antenna centerline. Conditions of approval have been incorporated that will ensure the mono-broadleaf will maintain a natural appearance. All attached equipment (i.e., antennas, T-arm antenna mounts, and other attached equipment) will be sufficiently screened and remain stealth by the foliage of mono-broadleaf branches.

The existing church site has a substantial number of trees along the perimeter of the property and throughout the existing development. The proposed mono-broadleaf will blend with the existing trees on the site and will not have any negative aesthetic impacts.

The additional telecommunication facility will help expand AT&T's coverage area within the City, and help fill gaps that currently exist in their network. Figure A - "Propagation Site Plots", provided by the applicant, demonstrate areas with significant gaps-in-coverage within the network before and after the subject wireless facility is installed. The increased coverage will help expand the service provider's coverage area, so customers can make and maintain calls as they travel through the City, with the calls transferred from one facility to another. Situating this facility at this location will also help reduce the burden on the provider's network and accommodate an increase in customer demand.

Coverage without proposed wireless facility



Coverage with proposed wireless facility

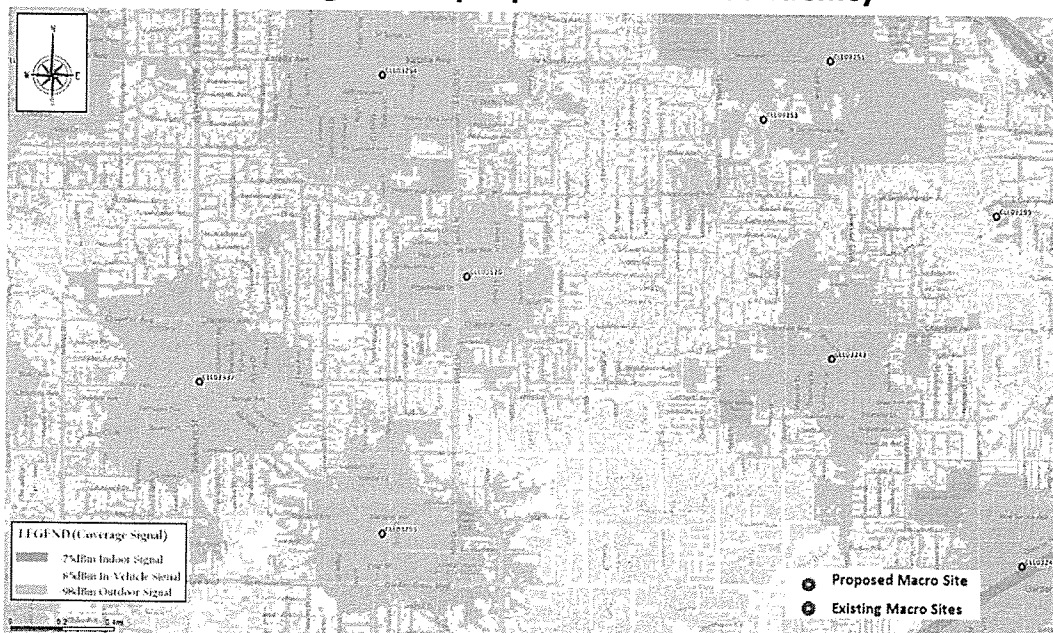


Figure A: Propagation Site Plots

The Community and Economic Development Department has reviewed the request and is supporting the proposal. All standard conditions of approval that apply to a new wireless facility will apply.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt Resolution No. 5983-20 approving Conditional Use Permit No. CUP-182-2020, subject to the recommended conditions of approval.

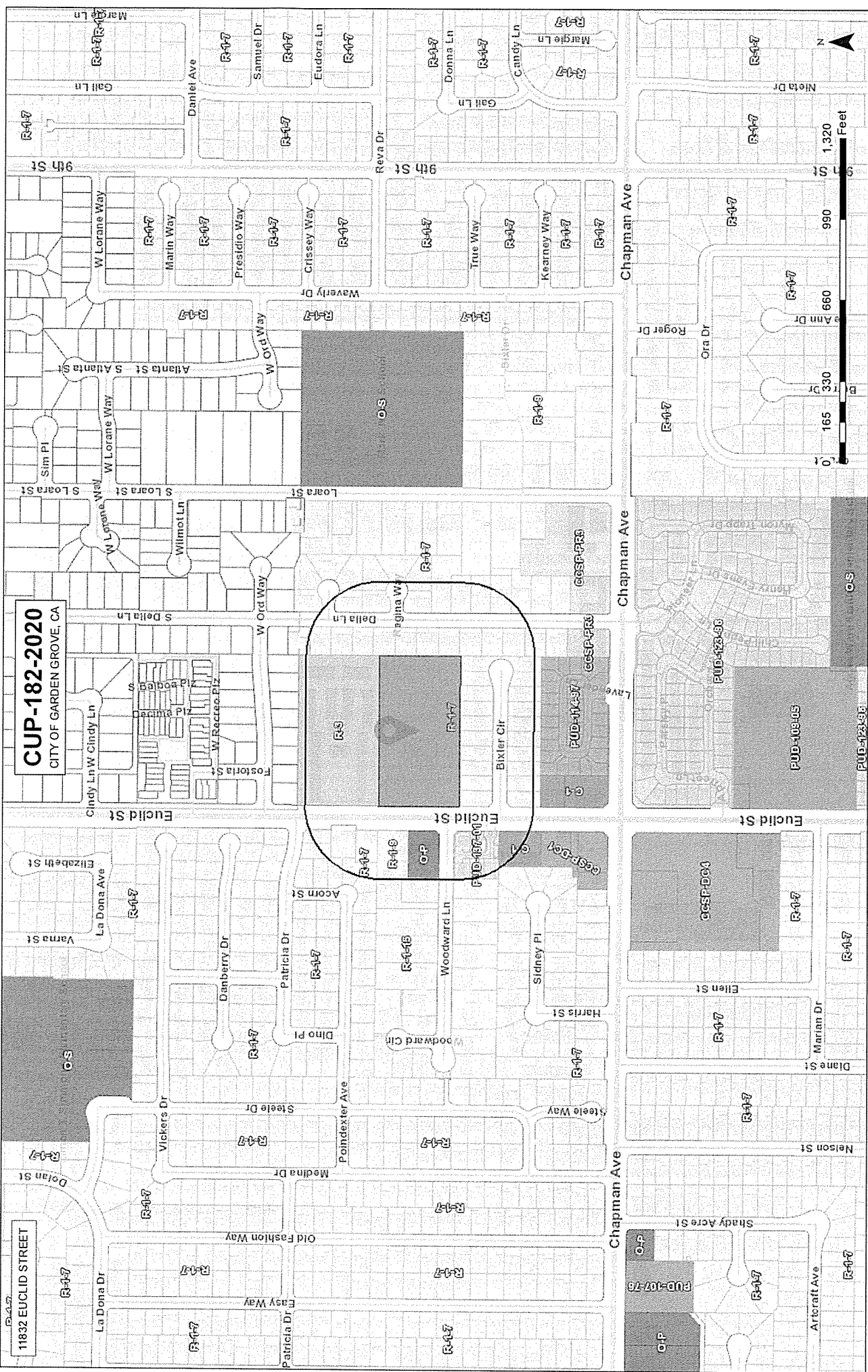


LEE MARINO
Planning Services Manager



By: Mary Martinez
Associate Planner

CUP-182-2020
CITY OF GARDEN GROVE, CA



11832 EUCLID STREET

CUP-182-2020
CITY OF GARDEN GROVE, CA

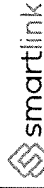




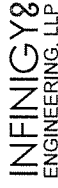
SITE NUMBER: CLL03520
SITE NAME: FIRST PRESBYTERIAN CHURCH
FA: 10581702; USID: 275105
11832 EUCLID STREET
GARDEN GROVE, CA 92840



1432 EDINGER AVE
 TUSTIN, CA 92780



3300 IRVINE AVE, STE. 300
 NEWPORT BEACH, CA 92660



2465 BRANCO PAVAROVA SQ, 7TH
 LAKE FOREST, CALIFORNIA 92750

JOB NUMBER: 104-00

NO.	DATE	DESCRIPTION
1	02/19/20	100% ZONING DRAWINGS
2	02/19/20	100% ZONING DRAWINGS
3	02/19/20	100% ZONING DRAWINGS
4	11/18/19	100% ZONING DRAWINGS
5	11/18/19	100% ZONING DRAWINGS
6	11/18/19	100% ZONING DRAWINGS
REV	DATE	DESCRIPTION

IT IS THE POLICY OF INFINIGY8 ENGINEERING, LLP TO PROVIDE THE BEST QUALITY OF SERVICE TO OUR CLIENTS. WE STRIVE TO EXCEED YOUR EXPECTATIONS AND TO DELIVER THE MOST INNOVATIVE SOLUTIONS TO YOUR PROBLEMS.

CLL03520
 FIRST PRESBYTERIAN CHURCH
 11832 EUCLID STREET
 GARDEN GROVE, CA 92840

SHEET TITLE
 TITLE SHEET

SHEET NUMBER
 T-1

ZONING DRAWING

IF USING 11"x17" PLOT, DRAWINGS WILL BE HALF SCALE

PROJECT DESCRIPTION

- 1. AREA WIRELESS PROPOSED TO CONSTRUCT A NEW WIRELESS ANTENNA INSTALLATION. THE SCOPE OF WORK IS AS FOLLOWS:
- 2. INSTALLATION OF (1) 10' TALL MICRO-BROADBAND ANTENNA
- 3. INSTALLATION OF (1) EQUIPMENT CABINET
- 4. INSTALLATION OF (1) 10' TALL MICRO-BROADBAND ANTENNA
- 5. INSTALLATION OF (1) 3'-0" AERIAL MOUNTED ANTENNA
- 6. INSTALLATION OF (1) 3'-0" AERIAL MOUNTED ANTENNA
- 7. INSTALLATION OF (1) 3'-0" AERIAL MOUNTED ANTENNA
- 8. INSTALLATION OF (1) 3'-0" AERIAL MOUNTED ANTENNA
- 9. INSTALLATION OF (1) 3'-0" AERIAL MOUNTED ANTENNA
- 10. INSTALLATION OF (1) 3'-0" AERIAL MOUNTED ANTENNA
- 11. POWER & TRUSS CABINETS TO BE INSTALLED ON CONCRETE SLAB
- 12. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE ORDINANCES
- 13. (1) AERIAL MOUNTED ANTENNA (10'x17' - 24x 30 FT) + ANTENNA AREA (210 20 FT) = TOTAL (775 20 FT)

DRAWING INDEX

SHEET NO.	TITLE SHEET
T-1	TITLE SHEET
L-1	TOPOGRAPHIC SURVEY
A-1	SITE PLAN AND ENHANCED SITE PLAN
A-2	ANTENNA LAYOUT
A-3	ELECTRICAL LAYOUT
A-4	ELEVATIONS

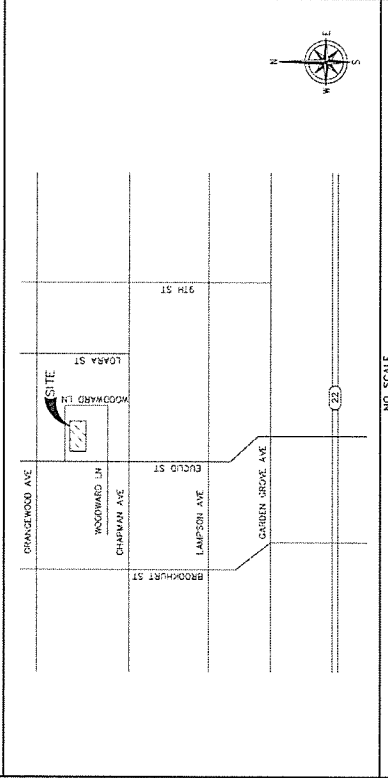
DO NOT SCALE DRAWINGS

DISCREPANCIES SHALL PREVAIL OVER ALL PLANS & EXISTING CONDITIONS. THE CLIENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED BY THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.



UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA
 800-327-4300
 48 HOURS BEFORE WORK

VICINITY MAP



DRIVING DIRECTIONS

1. GET ON CA-55 N FROM EDINGER AVE
2. USE THE RIGHT 2 LANES TO TAKE EXIT 105 TO MERGE ONTO CA-22 N TOWARD LONG BEACH
3. USE THE RIGHT 2 LANES TO TAKE EXIT 105 TO MERGE ONTO CA-22 N TOWARD LONG BEACH
4. USE THE LEFT 2 LANES TO TURN LEFT ONTO TASKAS AVE
5. USE THE LEFT 2 LANES TO TURN LEFT ONTO TASKAS AVE
6. TURN RIGHT ONTO S EUCLID ST
7. THE SITE IS ON THE RIGHT

CUP-182-2020

ENGINEERING

2016 CALIFORNIA BUILDING CODE
 2016 CALIFORNIA TITLE 24
 2016 CALIFORNIA MECHANICAL CODE
 19/03-2227-00 OR LATEST EDITION

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. THE PROJECT SHALL NOT BE SUBJECT TO ANY ROUTINE MAINTENANCE. THE PROJECT SHALL NOT BE SUBJECT TO ANY ROUTINE MAINTENANCE. THE PROJECT SHALL NOT BE SUBJECT TO ANY ROUTINE MAINTENANCE. THE PROJECT SHALL NOT BE SUBJECT TO ANY ROUTINE MAINTENANCE.

SITE INFORMATION

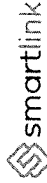
PROPERTY OWNER: CHURCH FIRST PRESBYTERIAN OF GARDEN GROVE
 PROJECT ADMINISTRATOR: JAMES M. GIBSON
 PHONE: (714) 534-2269
 ADDRESS: 3023 ADAMS ST
 NEWPORT BEACH, CA 92660
 PHONE: (714) 472-7268
 APPLICANT REPRESENTATIVE: SMARTLINK
 ADDRESS: 3300 IRVINE AVE, STE. 300
 NEWPORT BEACH, CA 92660
 CONTACT: DAN CONNELL
 PHONE: (949) 297-7176 - (117) 940-7475
 LONGITUDE/LATITUDE TYPE: NAD 83
 UTM ZONE: 10Q B AVS
 APN #: 090-841-02
 CURRENT ZONING: CITY OF GARDEN GROVE
 POWER COMPANY: SCE
 TELECOM: AT&T
 UNASSIGNED TELECOM SECURITY: UNASSIGNED

PROJECT TEAM

REGISTERED ENGINEER: JAMES M. GIBSON
 LICENSE NO: 44917
 CONTACT: DAN CONNELL
 PHONE: (949) 297-7176
 FAX: (949) 468-2031
 www.smartlink.com
 ZONING: 115
 3300 IRVINE AVE, STE. 300
 NEWPORT BEACH, CA 92660
 CONTACT: DAN CONNELL
 PHONE: (949) 297-7176
 FAX: (949) 468-2031
 www.smartlink.com
 SITE ACQUISITION: SMARTLINK
 ADDRESS: 3300 IRVINE AVE, STE. 300
 NEWPORT BEACH, CA 92660
 CONTACT: DAN CONNELL
 PHONE: (949) 297-7176
 FAX: (949) 468-2031
 www.smartlink.com
 CONSTRUCTION MANAGER: SMARTLINK
 ADDRESS: 3300 IRVINE AVE, STE. 300
 NEWPORT BEACH, CA 92660
 CONTACT: DAN CONNELL
 PHONE: (949) 297-7176
 FAX: (949) 468-2031
 www.smartlink.com



1452 DUNDEE AVE
LOS ANGELES, CA 90044



3300 IRVINE AVE, STE. 300
NEWPORT BEACH, CA 92660



2655 PANADIC PARKWAY SOUTH
LAKE FOREST, CALIFORNIA 92530

PLANS PREPARED BY
JOB NUMBER 04-00

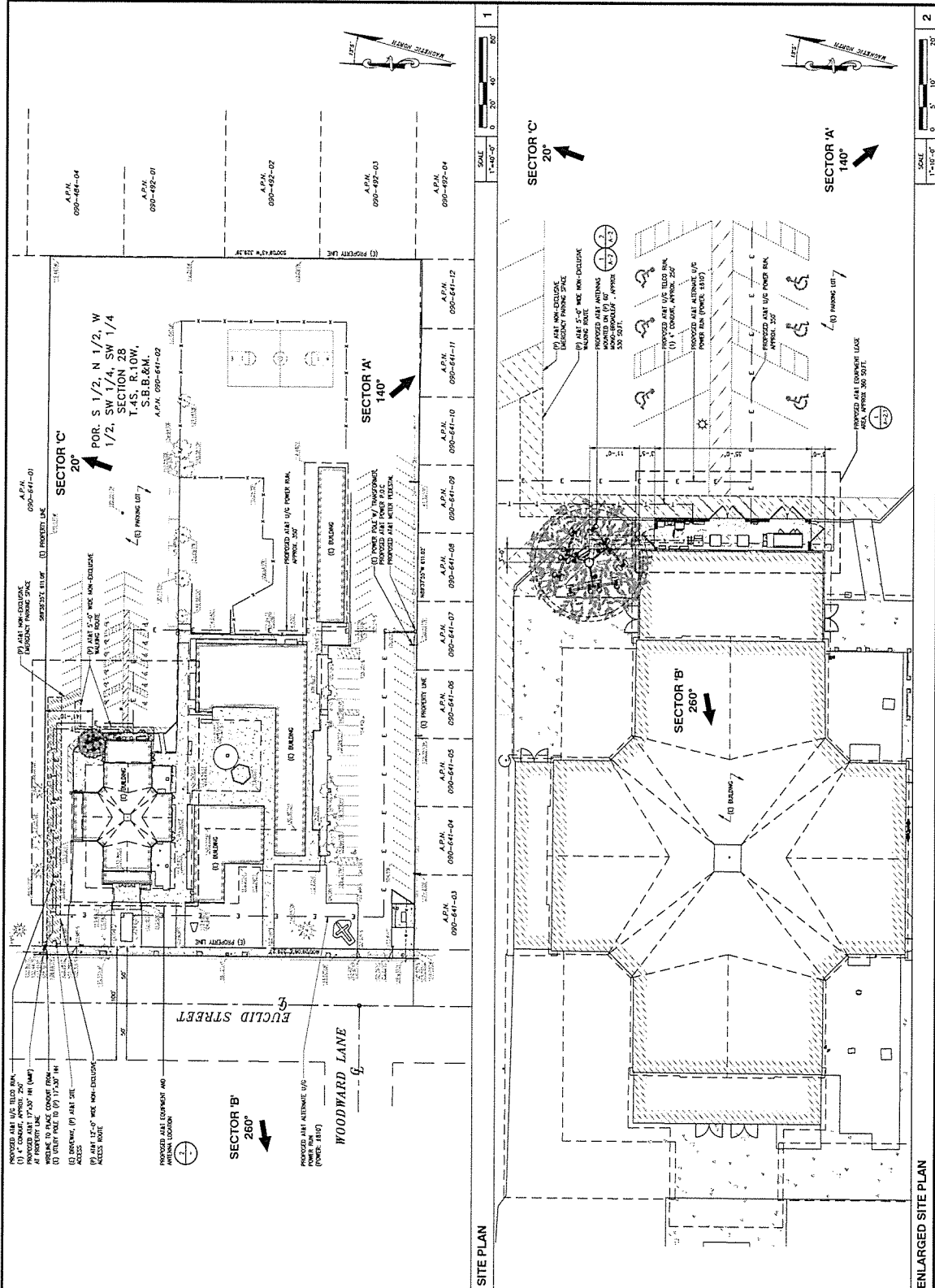
REV	DATE	DESCRIPTION
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2	11/07/19	100% ZONING DRAWINGS
3	11/07/19	100% ZONING DRAWINGS
4	11/07/19	100% ZONING DRAWINGS
5	11/07/19	100% ZONING DRAWINGS

ALL DIMENSIONS ARE TO FACE UNLESS INDICATED OTHERWISE.
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ALL DIMENSIONS ARE TO FACE UNLESS INDICATED OTHERWISE.

CIL03520
FIRST PRESBYTERIAN CHURCH
11832 EUCLID STREET
GARDEN GROVE, CA 92640

SHEET TITLE
SITE PLAN AND
ENLARGED SITE PLAN

SHEET NUMBER
A-1



SITE PLAN

ENLARGED SITE PLAN



1452 ERIEBER AVE
LOS ANGELES, CA 90040



1300 IRVINE AVE, STE. 300
NEWPORT BEACH, CA 92660

PLANS PREPARED BY

INFINIGY8
ENGINEERING, LLP
2655 RANCHO PARKWAY SOUTH
LAKE FOREST, CALIFORNIA 92650

JOB NUMBER: 01-00

REV	DATE	DESCRIPTION
1	10/27/09	ISSUE ZONING DRAWINGS
2	11/07/09	ISSUE PERMITS DRAWINGS
3	12/04/09	ISSUE ZONING DRAWINGS
4	11/07/10	ISSUE ZONING DRAWINGS
5	11/07/10	ISSUE ZONING DRAWINGS
6	11/07/10	ISSUE ZONING DRAWINGS
7	11/07/10	ISSUE ZONING DRAWINGS

THIS PLAN AND ANY OTHER DOCUMENTS SHALL BE VOID WITHOUT THE SIGNATURE OF A REGISTERED PROFESSIONAL ENGINEER. TO AVOID THIS OCCURRENCE.

CILLO3520
FIRST PRESBYTERIAN CHURCH
11832 EUCLID STREET
GARDEN GROVE, CA 92840

SHEET TITLE
ANTENNA
LAYOUT

SHEET NUMBER
A-2

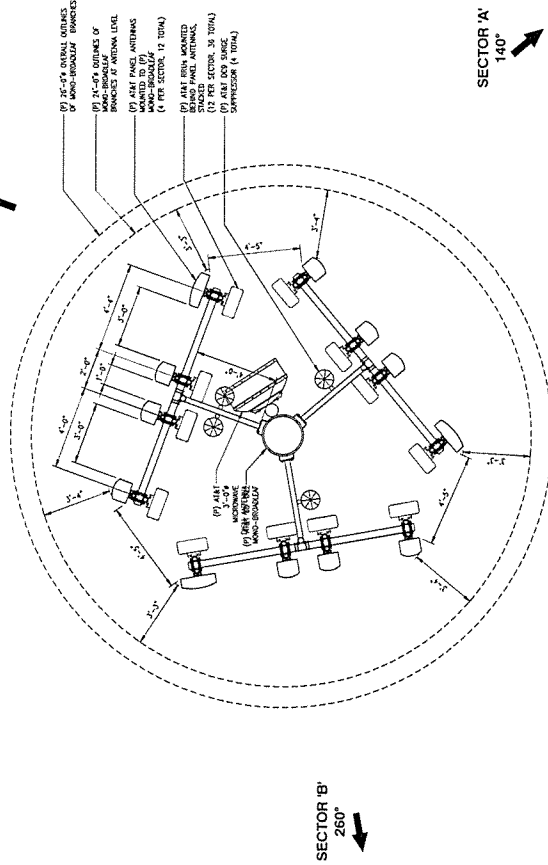
TOTAL EQUIPMENT COUNT: 12
ARRAYS: 3
SECTORS: 4
MICROWAVE DISK: 1

SECTOR	RRU UP or DOWN	RRU COUNT	RRU LOCATION (DISTANCE FROM ANTENNA)	RRU MIN. CLEARANCES ABOVE BELOW SIDES
SECTOR A	A1	UP	3	18" 8"
	A2	UP	3	18" 8"
	A3	UP	3	18" 8"
	A4	UP	3	18" 8"
SECTOR B	B1	UP	3	18" 8"
	B2	UP	3	18" 8"
	B3	UP	3	18" 8"
	B4	UP	3	18" 8"
SECTOR C	C1	UP	3	18" 8"
	C2	UP	3	18" 8"
	C3	UP	3	18" 8"
	C4	UP	3	18" 8"

SECTOR	TECHNOLOGY	ANTENNA TYPE	ANTENNA SIZE (L x W x H)	RFD CENTER	TRANSMISSION LINES (LENGTH FT. +/-)		DC CABLE
					FEDDER/JUMPER LENGTH	FEDDER/JUMPER TYPE	
SECTOR A	LTE	PANEL	8'	51'-0"	36'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	51'-0"	45'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	51'-0"	45'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	51'-0"	45'-0"	LDFA (1/2')	±30' (ANG #)
SECTOR B	LTE	PANEL	8'	260'	51'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	260'	51'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	260'	51'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	260'	51'-0"	LDFA (1/2')	±30' (ANG #)
SECTOR C	LTE	PANEL	8'	20'	51'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	20'	51'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	20'	51'-0"	LDFA (1/2')	±30' (ANG #)
	LTE	PANEL	8'	20'	51'-0"	LDFA (1/2')	±30' (ANG #)
							±30' (1/2')

ANTENNA / RRU SCHEDULES

SECTOR 'C'
20°



SECTOR 'A'
140°

SECTOR 'B'
260°

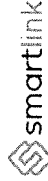


SCALE
1/8"=1'-0"

ANTENNA LAYOUT



1452 EBINGER AVE
DUSTIN, CA 92840



3100 RIVINE AVE, STE. 500
NEWPORT BEACH, CA 92660

PLANS PREPARED BY
**INFINIGY8
ENGINEERING, LLP**

2645 HANCOCK PARKWAY, SUITE 111
LAKE FOREST, CA 92650

20 MAR 04 00

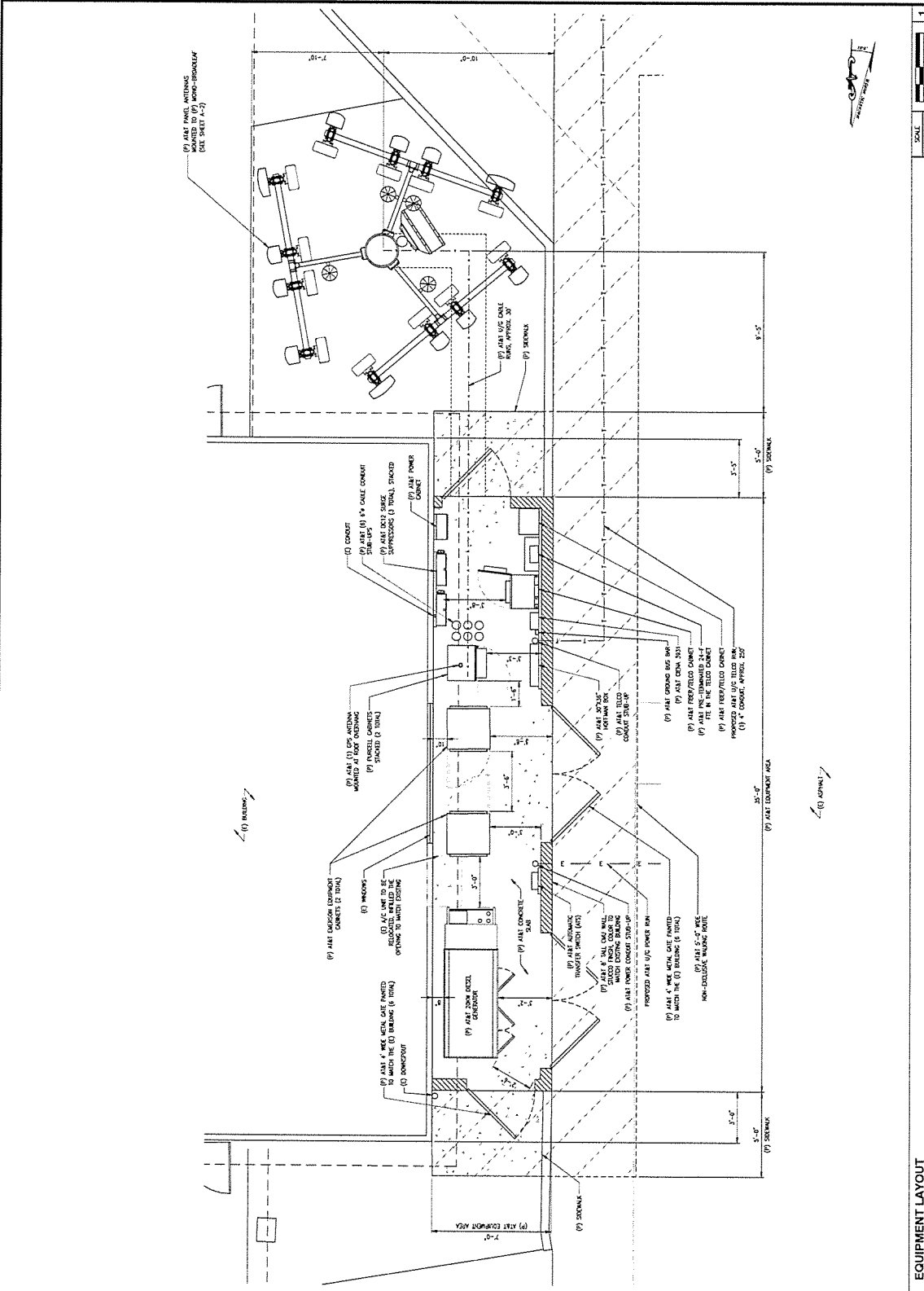
NO.	DATE	DESCRIPTION
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6	02/10/04	100% TYPING DRAWINGS
5	11/16/03	100% TYPING DRAWINGS
4	11/16/03	100% TYPING DRAWINGS
3	11/07/03	100% TYPING DRAWINGS
2	11/07/03	100% TYPING DRAWINGS
REV	DATE	DESCRIPTION

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SMARTLINK CORPORATION.

FIRST PRESBYTERIAN CHURCH
C11035520
11832 EUCLID STREET
GARDEN GROVE, CA 92840

SHEET TITLE
**EQUIPMENT
LAYOUT**

SHEET NUMBER
A-2.1



EQUIPMENT LAYOUT

RESOLUTION NO. 5983-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-182-2020 FOR A PROPERTY LOCATED AT 11832 EUCLID STREET, ASSESSOR'S PARCEL NO. 090-641-02.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-182-2020, for a parcel of land located on the east of Euclid Street, north of Bixler Circle, at 11832 Euclid Street, Assessor's Parcel No. 090-641-02.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-182-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Willy Kazimi obo AT&T Wireless.
2. The applicant is requesting Conditional Use Permit (CUP) approval to allow for the construction and operation of a 60'-0" tall, unmanned wireless telecommunication facility disguised as a broadleaf tree (mono-broadleaf) along with a 8'-0" tall equipment enclosure and site improvements, at 11832 Euclid Street (Assessor's Parcel No. 090-641-02).
3. Pursuant to the California Environmental Quality Act ("CEQA"), the proposed project is categorically exempt from CEQA pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Reg., Section 15303).
4. The property has a General Plan Land Use designation of Low Density Residential (LDR), and is zoned R-1 (Single-Family Residential). The site is improved with the First Presbyterian Church of Garden Grove.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 7, 2020, 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 May 7, 2020; 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 site is approximately 4.62 acres and is located on the east side of Euclid Street, north of Bixler Circle, at 11832 Euclid Street. The site is improved with the First Presbyterian Church facility built in 1965. The site is improved with the main sanctuary building, pre-school and daycare facilities, administrative offices, outdoor play areas, and basketball court.

The property has a General Plan Land Use designation of Low Density Residential (LDR) and is zoned R-1 (Single-Family Residential). The properties to the east and south are zoned R-1 and are improved with single-family homes. The property to the north is zoned R-3 (Multiple-Family Residential) and is developed with a multifamily apartment. The properties to the west are zoned R-1 and O-P (Office Professional) and are developed with single-family homes.

The applicant, AT&T Wireless, is requesting to construct and operate a new, unmanned, 60'-0" tall mono-broadleaf wireless facility directly east of the existing sanctuary building, within an existing planter. The applicant is also proposing an 8'-0" tall, 35'-0" by 7'-0" equipment enclosure, with a total lease area of approximately 360 square feet.

A new facility is needed by AT&T Wireless in order to close a significant gap-in-coverage to relieve network traffic congestion, and ensure reliable levels of service due to AT&T's existing and surrounding wireless facilities becoming overloaded beyond their capacity when more enhanced voice and data services are used (5G and other high-speed data services). In order to allow the construction of the proposed mono-broadleaf, approval of a new Conditional Use Permit is required.

FINDINGS AND REASONS:

1. The proposed use will be consistent with the City's adopted General Plan.

The property has a General Plan Land Use designation of Low Density Residential (LDR), and is zoned R-1 (Single-Family Residential). The Low Density Residential (LDR) designation is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods that provide access to schools, parks, and other community services, such as churches. New stealth wireless telecommunications facilities are conditionally permitted in the R-1 zone. Historically, the City has permitted stealth wireless facilities on properties developed with churches subject to conditional use permit approval. Although there are currently no wireless facilities on the subject property, the applicant proposes to construct a new mono-broadleaf in order to improve the service coverage area for AT&T Wireless customers. The proposed mono-broadleaf is compatible with the surrounding uses, and through its mono-broadleaf design, the facility will blend into the existing

environment that is already developed with a substantial number of similar trees.

The proposed wireless telecommunication facility is designed to comply with the development standards set forth by Title 9 of the Municipal Code, including height and its stealth design. The proposed use is consistent with the General Plan provided that the operation of the wireless facility complies with the conditions of approval.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area or will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, as the wireless facility has been designed to comply with the development standards of the zone, while the mono-broadleaf design will allow the facility to blend into the existing environment.

Historically, the City has permitted stealth wireless facilities on properties developed with churches subject to conditional use permit approval. Although there are currently no wireless facilities on the subject property, AT&T Wireless proposes a new mono-broadleaf in order to improve their coverage area. The mono-broadleaf will be designed to have a natural appearance to minimize any negative aesthetic impacts. The project will improve local connectivity for AT&T Wireless customers as they travel through the City.

Finally, the use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The antennas and equipment are required to adhere to all FCC regulations prohibiting such facilities from interfering with public safety.

All appropriate conditions of approval have been incorporated to minimize impacts to adjacent properties. Provided the conditions of approval are adhered to for the life of the project, the use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

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

The site, with the existing site improvements and modifications, is of adequate size to integrate the proposed mono-broadleaf in the surrounding area. AT&T Wireless is proposing to lease 360 square feet of land area behind the existing church building, to install a new 60'-0" tall wireless telecommunication facility disguised as a broadleaf tree, along with related equipment to be installed within an 8'-0" tall, 35'-0" by 7'-0" equipment enclosure. The equipment enclosure is proposed as a CMU block wall with a stucco finish to match the color and texture of the existing church. There is an existing accessible path of travel surrounding the planter where the new equipment enclosure will be located that will remain clear and unobstructed and will not be affected by the proposed wireless facility. The existing parking layout, other landscape planters, and access to the church building will remain unaffected.

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

The site is adequately served by Euclid Street with two (2) driveways providing both ingress and egress. The site is also adequately served by the public service facilities such as gas, electric, water, and sewer.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-182-2020.

EXHIBIT "A"

Conditional Use Permit No. CUP-182-2020

11832 Euclid Street

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 Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, Willy Kazimi obo AT&T Wireless, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved site plan or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature, shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Building and Safety Division

6. All new construction shall comply with the 2019 Edition of the California Building Code (CBC).

7. Soils report is required.

Orange County Fire Authority (OCFA)

8. The applicant shall comply with the requirements of Orange County Fire Authority (OCFA), including but not limited to, a Fire Master Plan.

Public Works - Engineering Division

9. The Applicant shall obtain an encroachment permit from the City prior to any construction in the public right-of-way.
10. Permit fees shall be calculated based on the current fee schedule at the time of permit issuance.
11. Any required lane closures should occur outside of peak travel periods.
12. The Applicant shall submit traffic lane closure permits along with a vehicular traffic control plan for approval.
13. The Applicant shall remove the old poles or fixtures that no longer provide any service as well as any related equipment, sub-structure, and concrete foundation.
14. No at or above ground meter and/or equipment shall be placed on the City of Garden Grove public right-of-way.
15. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.
16. New utilities shall have a minimum two foot (2'-0") horizontal clearance from driveway approaches and curbs.

Public Works - Traffic Division

17. The Applicant shall submit plans and pole specifications to include the material of the pole for Public Works Traffic Division approval.

Public Works - Water Division

18. New utilities shall have a minimum five foot (5'-0") horizontal and a minimum one foot (1'-0") vertical clearance from water main and appurtenances.

19. Any new or existing water valve located within new concrete sidewalk improvements shall be reconstructed per City Standard B-753.
20. Any existing meter and services that need to be relocated within the project area shall be relocated at Applicant's expense.

Police Department

21. In order to facilitate the City's rules of the regulation, placement, and construction of, and its interaction with, the City's Public Safety Communications Equipment Operation of the Wireless Communications Facilities ("WCF"), the applicant and all successors shall agree as follows:
 - a. The applicant recognizes that the frequencies used by the WCF located at 11832 Euclid Street may be close to the frequencies used by the City of Garden Grove for public safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public-Safety Communications Officials-International, Inc. (APCO) and as endorsed by the Federal Communications Commission (FCC). Applicant shall comply with such Good Engineering Practices as may be amended from time to time by the FCC in its Rules and Regulations and shall comply with all FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
 - b. In the event the WCF is identified as causing radio frequency interference with the City's Public Safety Communications Equipment, the following steps shall be taken:
 - i. Upon notification by the City of interference with Public Safety Communications equipment, the applicant (AT&T Wireless) shall utilize the hierarchy and procedures set forth in the Best Practices Guide. If the applicant (AT&T Wireless) fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take such steps under law, including the initiation of appropriate proceedings with the FCC, to eliminate the interference.
 - ii. If there is a determination of radio frequency interference with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for

reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference.

22. The applicant shall provide a 24-hour phone number to which interference problems can be reported. This condition will also apply to all existing facilities operated by the provider in the City of Garden Grove.
23. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and e-mail address of that person shall be provided to the City's designated representative upon activation of the facility.
24. The applicant shall ensure that any lessee or other users of the WCF shall comply with the terms and conditions of this permit and the applicant shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.

Community and Economic Development Department

25. The applicant shall be responsible for maintenance and up-keep of the telecommunication facility.
26. The applicant and the property owner shall be responsible for maintaining free from debris, and litter, those areas of the site that are adjacent to the premises over which he/she has control.
27. The applicant and/or property owner shall abate all graffiti vandalism within the premises, the applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including , but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably after it is discovered, but not later than 72 hours after discovery.
28. The antenna structure shall be designed and disguised as a broadleaf tree (mono-broadleaf). The antennas shall not exceed 55'-0" in height, measured to the top of the antennas (51'-0" to the centerline of the antennas), and the branches shall not exceed 60'-0" in height. The antennas shall not exceed the height of the wireless communications pole. The mono-broadleaf will consist of twelve (12) eight-foot (8'-0") tall antennas (three sectors with four antennas per sector). Each sector will be attached to the pole of the mono-broadleaf by a four-foot (4'-0") long T-arm antenna mount. Four (4)

surge suppressor raycap units will be attached to each T-arm antenna mount along with 36 wireless radios (three-sectors with twelve (12) radios per sector). One three-foot (3'-0") microwave antenna will be installed and attached to the main pole of the mono-broadleaf at the 40'-0" microwave antenna centerline. All attached equipment (i.e., antennas, T-arm antenna mounts, and other attached equipment) will be sufficiently screened and remain stealth by the foliage of the branches and leaves. In order to maintain a natural appearance, the following conditions shall apply:

- a. The mono-broadleaf is required to have a minimum branch count of 100 (minimum of 25 branches for every 10'-0") that is spaced and designed to hide the antennas.
 - b. Branches for the mono-broadleaf shall begin at a height of no less than 15'-0" above the ground.
 - c. Vertical and horizontal spacing of the branches shall be such that the majority of the trunk of the mono-broadleaf, above the lowest branch, shall not be visible.
 - d. The base of the spread shall be approximately 20'-0", as proposed.
 - e. Branch lengths shall vary to maintain a natural appearance.
 - f. The branches of the mono-broadleaf shall angle upward 15 to 20 degrees.
 - g. Synthetic broadleaf branch lengths shall vary to maintain a natural appearance.
 - h. The trunk shall be covered in textured rubber to look like real bark.
 - i. The antennas and dishes are required to be painted green to match the color of the fronds.
 - j. There shall be no climbing pegs on the mono-broadleaf below a height of 15'-0", except when temporarily installed to service the antennas.
 - k. Any proposed antenna dishes shall be designed as a microwave flat panel.
 - l. Sleeves shall be installed to camouflage the antennas.
29. An eight (8) foot high block wall shall be constructed around the perimeter of the designated area for the ground-mounted equipment related to the mono-broadleaf, and shall be finished with stucco to match the texture and color of the existing church building. There shall be no barb and/or razor wire

- on the enclosure. Fencing shall be placed across the top of enclosure to prevent access into the enclosure.
30. The equipment shall not extend above the top of the equipment enclosure.
 31. The applicant shall submit a material sample of the bark and the leaves to the Planning Services Division for review and approval as part of the plan check submittal application.
 32. The Conditional Use Permit (CUP) grants the right to the applicant to construct and use a telecommunication facility on the premises. The City, however, has concerns about the potential adverse aesthetic and other health and safety impacts of the antennas, and utility and/or mechanical equipment on the surrounding community. It is possible that future technological improvements may make the proposed telecommunication facility unnecessary or obsolete or outdated aesthetically, therefore, the particular antenna and related equipment shall be reviewed ten years from the date of this approval. At that time, the cellular provider operating the site shall agree to and update the facility as may be required by the Community and Economic Development Director or his/her designee.
 33. The City reserves the right to periodically reevaluate the antennas, and utility and/or mechanical equipment in terms of the continued need for these structures in their current size, height, and configuration, and the actual impacts on the neighborhood, community, and environment.
 34. Prior to the end of the fifth (5th) year, there will be an administrative review for compliance with the conditions of approval.
 35. In order to address concerns regarding radio emissions, the following conditions shall be complied with:
 - a. Radio frequency emissions shall not exceed the radio frequency emission guidelines of the Federal Communication Commission (FCC); as such guidelines may be amended from time to time.
 - b. Prior to January 1, 2021, and each January 1st thereafter, the operator shall file with the City of Garden Grove Community and Economic Development Department for approval, a certification of compliance prepared by an independent third party, qualified to measure radio frequency emissions.
 36. The operator/property owner shall make the antenna structure available for co-location for other service providers. If an additional wireless provider proposes to locate on the subject facility, the new appurtenances (including, but not limited to: antennas, microwave dishes, T-arm mounts, and other related wireless attachments) shall be fully screened in order to maintain the facility's stealth design.

37. In the case of collocation of telecommunication facilities, the applicant, together with the owner of the subject site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the City's Public Safety Communications Equipment.
38. In the event that the communication facility is abandoned or its use is discontinued, the property owner shall remove all improvements within sixty days of abandonment or discontinuance of the use, whichever occurs first.
39. Hours and days of construction shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.010, referred to as the Noise Control Ordinance.
40. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-182-2020, and their agreement with all conditions of the approval.
41. There shall be no other antennas or mechanical equipment installed on the tree without obtaining approval from the Planning Services Division.
42. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-182-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
43. The applicant 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 CUP-182-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Southwest corner of Westminster Avenue and Lake Street at 10602 Westminster Avenue
HEARING DATE: May 7, 2020	GENERAL PLAN: Light Commercial
CASE NO.: Conditional Use Permit No. CUP-184-2020	ZONE: Neighborhood Commercial (C-1)
APPLICANT: Donald Le	CEQA DETERMINATION: Exempt - 15301 - Existing Facilities
PROPERTY OWNER: Dang, Lan Inc.	APN: 099-481-28

REQUEST:

The applicant is requesting Conditional Use Permit (CUP) approval to operate an existing 1,458 square-foot service station convenience store, OC Gas, located at 10602 Westminster Avenue, with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.

BACKGROUND:

The subject property is located on the southwest corner of Westminster Avenue and Lake Street. The property is zoned C-1 (Neighborhood Commercial), and has a General Plan Land Use designation of Light Commercial. The subject property abuts C-1 zoned properties to the west, and, across Lake Street, to the east; R-1 (Single-Family Residential) zoned properties to the south, and, across Westminster Avenue, to the north.

The subject site is improved with a service station consisting of three (3) pump islands, and a 5,400 square-foot commercial building located on the south side of the property. The building includes a 1,458 square-foot convenience store located on the east side of the building, and an auto repair shop that occupies the other tenant space.

The property has operated as a gas station and convenience store without alcohol sales since 1963 under different ownerships. The applicant began operating the gas station and the convenience store in October 2018, and renamed it OC Gas. In 2018, the City of Garden Grove issued several building permits to remodel the service station, including the remodel of the interior of the convenience store, the removal of a fire damaged canopy and installation of a new canopy over the pump stations, replacement of a 1,000 gallon propane tank with a new 500 gallon propane tank, and re-stripping the parking lot to meet ADA (American Disabilities Act) standards.

The applicant proposes to operate the convenience store with an original ABC Type "20" (Off-Sale, Beer and Wine) License to allow the sale of beer and wine within the convenience store area. Title 9 of the Garden Grove Municipal Code Section 9.16.020.080 requires a new Conditional Use Permit when there is an application for an original ABC License.

DISCUSSION:

The convenience store, OC Gas, is located on the east side of the existing building, and has a total area of 1,458 square feet. The store's floor plan consists of a service counter, a retail area (including display shelves, and coolers), a storage room and two (2) restrooms (one is accessible within the retail area, the other one is accessible solely from the outside). The applicant proposes to operate with an ABC Type "20" (Off-Sale, Beer and Wine) License to sell beer and wine as an additional amenity to the store, and the sale of alcoholic beverages will be for off-site consumption only.

The store will maintain its current operation hours from 5:00 a.m. to 11 p.m., seven (7) days a week. While the business opens at 5:00 a.m., pursuant to State law, the sale of alcohol is required to begin at 6:00 a.m. Due to close proximity of the store to residential uses, the delivery hours will be limited from 7:00 a.m. to 10:00 p.m., seven (7) days a week.

The convenience store is located in a low-crime district, and in an area with an under concentration of Alcoholic Beverage Control off-sale licenses. A summary of the district can be found in Resolution No. 5984-20 for Conditional Use Permit No. CUP-184-2020.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for a Type "20" (Off-Sale, Beer and Wine) License will apply.


RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

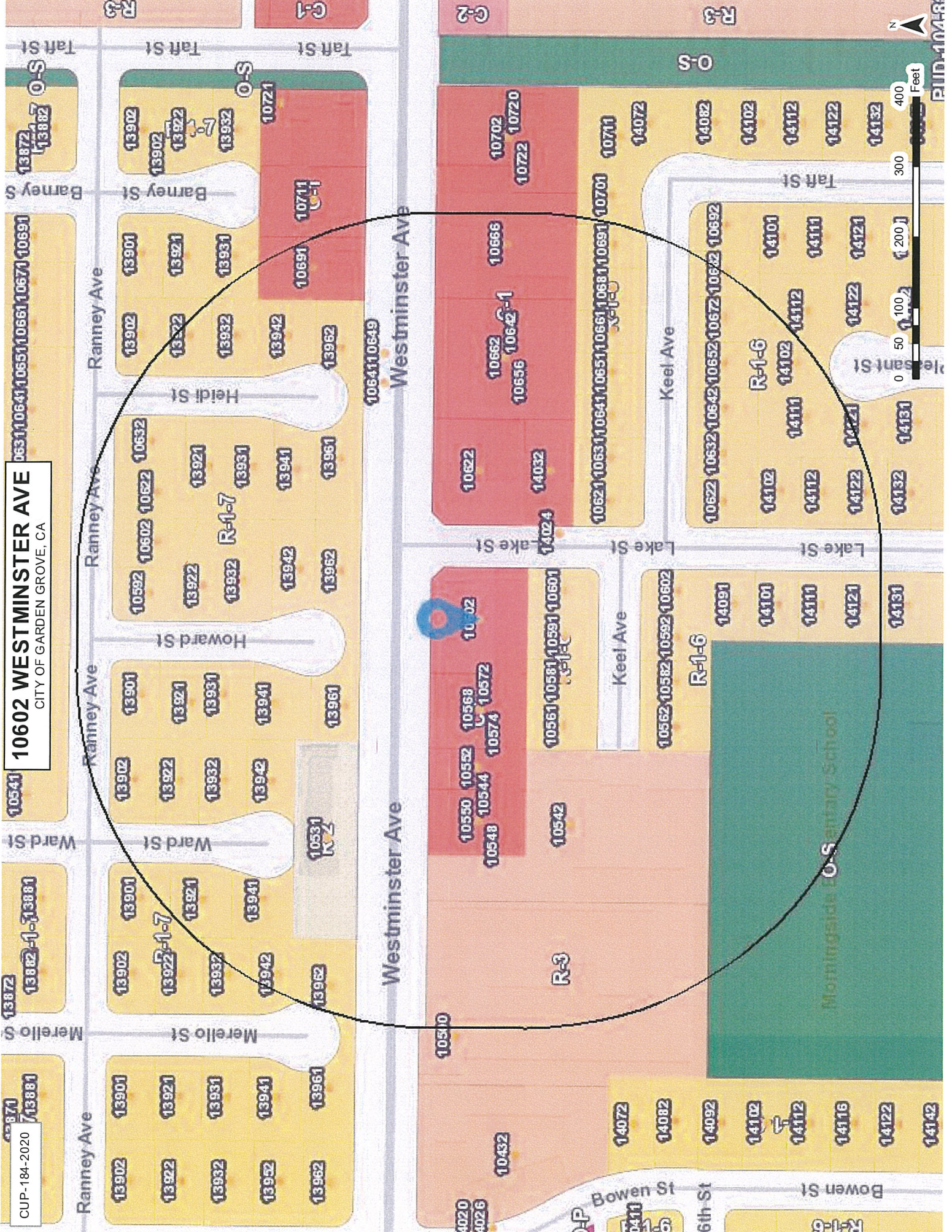
1. Adopt the Resolution No. 5984-20 approving Conditional Use Permit No. CUP-184-2020, subject to the recommended conditions of approval.



Lee Marino
Planning Services Manager



By: Huong Ly
Assistant Planner



10602 WESTMINSTER AVE
CITY OF GARDEN GROVE, CA

CUP-184-2020
13871
13881

13872
13882-1-13881

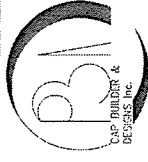
10631, 10641, 10651, 10661, 10671, 10691

13872, 13882
O-S



PID-10748

TENANT IMPROVEMENT



COMMERCIAL & RESIDENTIAL
 License No. 881702
Kenny Nguyen
 Est. (714) 716-2622
 Fax (714) 234-2664

SUBMITTAL

1st Submittal: 05/24/2018
 2nd Submittal: 10/22/2018

REVISIONS



TENANT IMPROVEMENT

OC GAS

10602 WESTMINSTER AVE.
 GARDEN GROVE, CA 92843

DRAWN BY: ARIYAN
 DATE: 05/16/18

CHECKED BY: KENNY NGUYEN
 DATE: 05/16/18

FILE NAME:

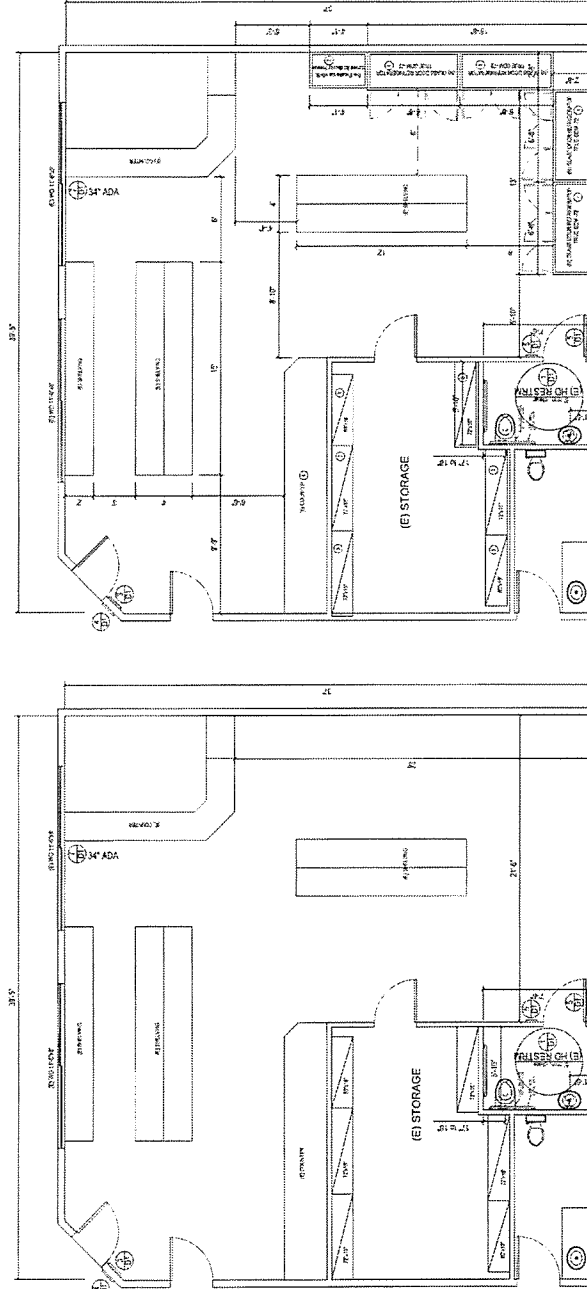
SHEET TITLE:

**EXISTING FLOOR PLAN,
 PROPOSED FLOOR PLAN**

SHEET NO. 2

OF 8 SHEETS

A1



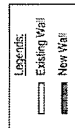
EXISTING FLOOR PLAN
 SCALE: 1/4"=1'

PROPOSED FLOOR PLAN
 SCALE: 1/4"=1'

EQUIPMENT SCHEDULE

ITEM NO.	ITEM DESCRIPTION	MFR.	MODEL	NOTES
1	REFRIGERATOR	FRIGIDAIRE	FR18H1000	21.5" x 34.5" x 34.5"
2	STOVE	FRIGIDAIRE	FE202	24" x 24" x 36"
3	SINK	FRIGIDAIRE	FRS1800	18" x 24" x 16"
4	REFRIGERATOR	FRIGIDAIRE	FR18H1000	21.5" x 34.5" x 34.5"
5	STOVE	FRIGIDAIRE	FE202	24" x 24" x 36"
6	SINK	FRIGIDAIRE	FRS1800	18" x 24" x 16"

Notes:
 This is in addition to the holding used for working storage (i.e., near and under counter storage) and refrigeration storage.



MENU

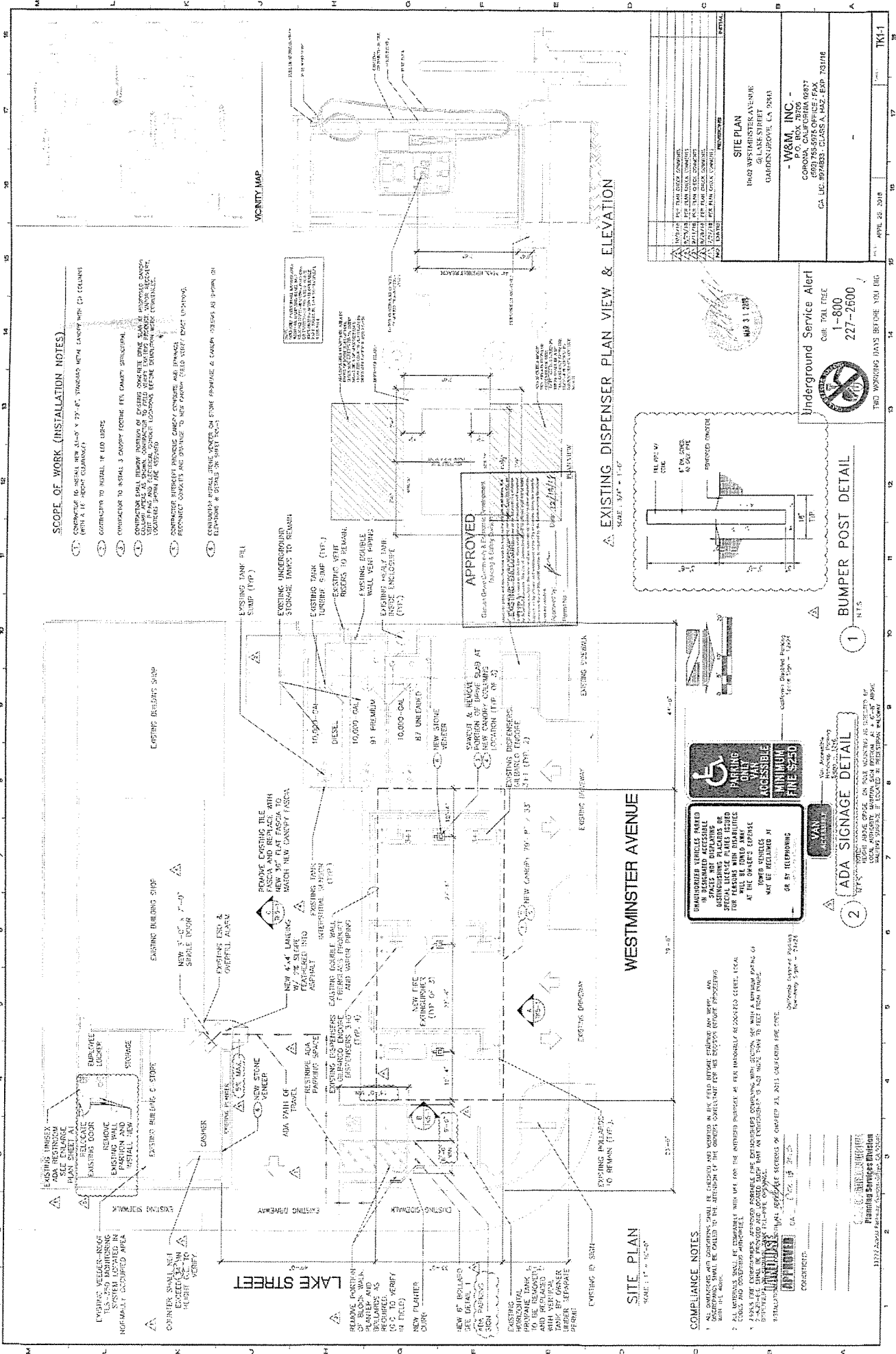
- COLD DRINK
- BEER
- CHIP
- CANDY
- CONFERENCE STORE

PLAN REVIEW APPROVAL
 10/22/18
 11-18-18

APPROVED FOR CONSTRUCTION
 10/22/18
 11-18-18

SCOPE OF WORK (INSTALLATION NOTES)

- 1. CONTRACTOR TO INSTALL NEW 12" x 12" x 7'-0" THICKNESS NEW CONCRETE WITH 2% FIBERS WITH A 1" REBAR CLEARANCE.
- 2. CONTRACTOR TO INSTALL 3 GALLEY POTHOLES FOR DAMP SUPPRESSION.
- 3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL WORK ARE CORRECT BEFORE ANY CONCRETE IS PLACED OR ANY OTHER TRADES ARE PERFORMED.
- 4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL WORK ARE CORRECT BEFORE ANY CONCRETE IS PLACED OR ANY OTHER TRADES ARE PERFORMED.
- 5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL WORK ARE CORRECT BEFORE ANY CONCRETE IS PLACED OR ANY OTHER TRADES ARE PERFORMED.
- 6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL WORK ARE CORRECT BEFORE ANY CONCRETE IS PLACED OR ANY OTHER TRADES ARE PERFORMED.
- 7. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL WORK ARE CORRECT BEFORE ANY CONCRETE IS PLACED OR ANY OTHER TRADES ARE PERFORMED.



W&M, INC.
1608 WHEATBERRY AVENUE
GLASSBORO, NJ 07033
P.O. BOX 2820
GLASSBORO, NJ 07033
908-755-0200 FAX
908-755-0202 FAX
CA LIC. 974833 - CLASS A, HAZ - EXP. 7/31/16

UNDERGROUND SERVICE ALERT
CALL TOLL FREE
1-800-227-2600

ADA SIGNAGE DETAIL
ADA SIGNAGE DETAIL
ADA SIGNAGE DETAIL

BUSS SIGNAGE DETAIL
BUSS SIGNAGE DETAIL
BUSS SIGNAGE DETAIL

COMPLIANCE NOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL WORK ARE CORRECT BEFORE ANY CONCRETE IS PLACED OR ANY OTHER TRADES ARE PERFORMED.
2. ALL WORK SHALL BE COMPLETED WITH IN THE INTERESTED PARTIES AT PER MANUALLY RECORDED LEVEL, LOCAL CADA AND POSITIONS WHEREVER.
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL WORK ARE CORRECT BEFORE ANY CONCRETE IS PLACED OR ANY OTHER TRADES ARE PERFORMED.
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EXISTING DISPENSER PLAN VIEW & ELEVATION



ADA SIGNAGE DETAIL
ADA SIGNAGE DETAIL
ADA SIGNAGE DETAIL

BUSS SIGNAGE DETAIL
BUSS SIGNAGE DETAIL
BUSS SIGNAGE DETAIL

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RESOLUTION NO. 5984-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-184-2020 FOR A PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WESTMINSTER AVENUE AND LAKE STREET, AT 10602 WESTMINSTER AVENUE, ASSESSOR'S PARCEL NO. 099-481-28.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 7, 2020, hereby approves Conditional Use Permit No. CUP-184-2020 for a property located at southwest corner of Westminster Avenue and Lake Street, at 10602 Westminster Avenue, Assessor's Parcel No. 099-481-28.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-184-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Donald Le for OC Gas.
2. The applicant is requesting approval of a Conditional Use Permit to operate the existing service station convenience store, OC Gas, with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sales, Beer and Wine) License.
3. The Planning Commission hereby determines that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-1 (Neighborhood Commercial).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 7, 2020 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 May 7, 2020; 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 (Conditional Use Permits), are as follows:

FACTS:

The subject property is located on the southwest corner of Westminster Avenue and Lake Street. The property is zoned C-1 (Neighborhood Commercial), and has a General Plan Land Use designation of Light Commercial. The subject property abuts C-1 zoned properties to the west, and, across Lake Street, to the east; R-1 (Single-Family Residential) zoned properties to the south, and, across Westminster Avenue, to the north.

The subject site is improved with a service station consisting of three (3) pump islands, and a 5,400 square-foot commercial building located on the south side of the property. The building includes a 1,458 square-foot convenience store located on the east side of the building, and an auto repair shop that occupies the other tenant space.

The property has operated as gas station and convenience store without alcohol sales since 1963 under different ownerships. The applicant began operating the gas station and the convenience store in October 2018, and renamed it OC Gas. In 2018, the City of Garden Grove issued several building permits to remodel the service station, including the remodel of the interior of the convenience store, the removal of a fire damaged canopy and installation of a new canopy over the pump stations, replacement of a 1,000 gallon propane tank with a new 500 gallon propane tank, and re-stripping of the parking lot to meet ADA (American Disabilities Act) standards.

The applicant proposes to operate the convenience store with an original ABC Type "20" (Off-Sale, Beer and Wine) License to allow the sale of beer and wine within the convenience store area. Title 9 of the Garden Grove Municipal Code Section 9.16.020.080 requires a new Conditional Use Permit when there is an application for an original ABC License.

The subject restaurant is located in a low-crime district, and in an area with an under-concentration of Alcoholic Beverage Control On-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 117.
- The crime count for the District is 115.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 18% above the Citywide average; therefore, it is considered a low-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 889.03.
- ABC Census Reporting District No. 882.03 allows for five (5) off-sale licenses within the District. Currently, there are three (3) off-sale licenses in the

District. The approval of this CUP will increase the number of on-sale licenses in District 889.03 to four (4).

PUBLIC CONVENIENCE OR NECESSITY:

A finding for public convenience or necessity is required for a new Alcoholic Beverage Control License that is located within a district with a high-crime rate and/or in an area with an over-concentration of ABC Licenses. Since the business is located within a district with a low-crime rate and in an area with an under-concentration of ABC Licenses, a finding of public convenience or necessary is not required.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Light Commercial, and is zoned C-1 (Community Commercial). Off-site sales of alcoholic beverages in conjunction with a convenience store are conditionally permitted in the C-1 zone. The subject site has been operating as a gas station and convenience store without alcohol sales since 1963 under different ownerships. The applicant has been operating the business since October 2018, and will continue its operation with a new ABC Type "20" (On-Sale, Beer and Wine). On-site consumption of alcoholic beverages will not be allowed. Title 9 of the Municipal Code requires a new Conditional Use Permit when there is an application for a new original ABC license. Approval of this request will allow the operator to operate the business with an ABC Type "20" (Off-Sale, Beer and Wine) License. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. A Conditional Use Permit is required for new original State Alcohol Beverage Control Type "20" (On-Sale, Beer and Wine) License. The conditions of approval will minimize potential impacts to the adjoining area. The subject property has been operating as service station and convenience store since 1963 under different ownerships. The applicant has been operating the business since October 2018. With the exception of the off-site sale of beer and wine, no change to the business

operation is proposed. The hour of operation will continue from 5:00 a.m. to 11:00 p.m., seven days a week. Due to close proximity of the store to residential uses, the delivery hours will be limited from 7:00 a.m. to 10:00 p.m. The sale of alcoholic beverages at the subject site will be restricted for off-site consumption only. On-site consumption of alcoholic beverages will be prohibited. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a convenience store in conjunction with a service station with ancillary beer and wine sales for off-site consumption only, the use will be compatible with the surrounding uses.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area.

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

The site is served by Westminster Avenue and Lake Street, which are fully developed streets that provide adequate traffic circulation and driveway access to the site. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).

2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-184-2020.

Adopted this 7th day of May 2020

EXHIBIT "A"
Conditional Use Permit No. CUP-184-2020

10602 Westminster Avenue

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Donald Le, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 1,458 square-foot convenience store that operates in conjunction with service station with an Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the

approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted from 5:00 a.m. to 11:00 p.m., seven (7) days a week. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. The sale of alcoholic beverages shall begin at 6:00 a.m. seven days a week.
10. There shall be no customers or patrons in or about the premises when the establishment is closed.
11. 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.
12. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
13. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
14. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License, shall show proof to the Police

14. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.
15. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
16. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

Community and Economic Development Department

17. This approval shall allow the convenience store to operate with ancillary alcoholic beverage sales.
18. The sales area for alcoholic beverages shall not exceed 5% of the retail sales floor area of the store.
19. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
20. 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.
21. There shall be no amusement devices permitted on the premises at any time.
22. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
23. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.

24. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.
25. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
26. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
27. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
28. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
29. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
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. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

32. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
33. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
34. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
35. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
36. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
37. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
38. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-184-2020 shall be kept on the premises at all times.
39. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-184-2020 and his/her agreement with all conditions of the approval.
40. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
41. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of

- this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
42. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-184-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
 43. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-184-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
 44. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
 45. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.3.	SITE LOCATION: Southwest corner of Garden Grove Boulevard and Brookhurst Street at 10130 Garden Grove Boulevard #111-113
HEARING DATE: May 7, 2020	GENERAL PLAN: Residential / Commercial Mixed Used 1
CASE NO.: Conditional Use Permit No. CUP-185-2020	ZONE: Garden Grove Mixed Use 1 (GGMU-1)
APPLICANT: Tina Nguyen	CEQA DETERMINATION: Exempt – 15301 - Existing Facilities
PROPERTY OWNER: Tom Nguyen	APN: 098-070-65

REQUEST:

The applicant is requesting Conditional Use Permit (CUP) approval to allow an existing 2,500 square-foot, dine-in restaurant, Oc & Lau, located at 10130 Garden Grove Boulevard #111-113, to upgrade from a State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine – Eating Place) License to a new original Type "47" (On-Sale, General – Eating Place) License. Upon approval and exercise of the subject request, Conditional Use Permit No. CUP-013-2014 for a Type "41" (On-Sale, Beer and Wine – Eating Place) License, that is currently governing the tenant space, shall be revoked and become null and void.

BACKGROUND:

The subject property is located on the southwest corner of Garden Grove Boulevard and Brookhurst Street. The property is zoned GGMU-1 (Garden Grove Mixed Use 1), and has a General Plan Land Use designation of Residential/Commercial Mixed Use 1. The subject property abuts GGMU-1 zoned properties to the south and west; GGMU-2 (Garden Grove Mixed-Used-2) zoned properties, across Brookhurst Street, to the east; and Planned Unit Development No. PUD-123-09 zoned properties, across Garden Grove Boulevard, to the north.

Oc & Lau is a 2,500 square-foot eating establishment located in a commercial plaza that is improved with a two-story, multi-tenant building that includes retail stores and restaurants. Per City records, the applicant began operating the Oc & Lau restaurant at this location in 2014. On June 26, 2014, the City of Garden Grove approved Conditional Use Permit No. CUP-013-2014 to allow the restaurant to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine – Eating Place) License to sell beer and wine.

The applicant is requesting a new Conditional Use Permit approval to operate the restaurant with an original ABC Type "47" (On-Sale, General – Eating Place) License

to sell beer, wine, and distilled spirits. Garden Grove Municipal Code, Title 9, Section 9.08.080.B.1, requires a new Conditional Use Permit when there is a change in the type of license, and an application for a new original ABC License. Upon approval of this request, the CUP-013-2014 will be revoked, and become null and void.

DISCUSSION:

The Oc & Lau restaurant is a 2,500 square-foot full service restaurant specializing in Vietnamese cuisine. The restaurant's interior and operation will remain unchanged. The dining area will continue to consist of eight (8) tables, thirty-two (32) seats, and eight (8) booths providing seating for approximately eighty-eight (88) persons (each booth seats approximately 8-9 persons). No outdoor sitting is proposed. The remaining interior of the restaurant will consist of: a non-customer dining counter area, a kitchen, employee lockers and a storage room, a men's restroom, a women's restroom, and a walk-in cooler.

The restaurant will operate with standard closing times applicable to establishments that operate with ABC Type "47" License. The business hours will be from 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 12:00 a.m., Friday and Saturday. The restaurant is required to serve meals during all hours of operation, and alcoholic beverages will be limited for on-site consumption only.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control on-sale licenses. A summary of the district can be found in Resolution No. 5985-20 for Conditional Use Permit No. CUP-185-2020.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for a Type "47" License will apply.

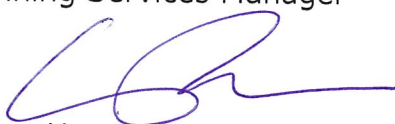
RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 5985-20 approving Conditional Use Permit No. CUP-185-2020 and revoking Conditional Use Permit CUP No. CUP-013-2014, subject to the recommended conditions of approval.



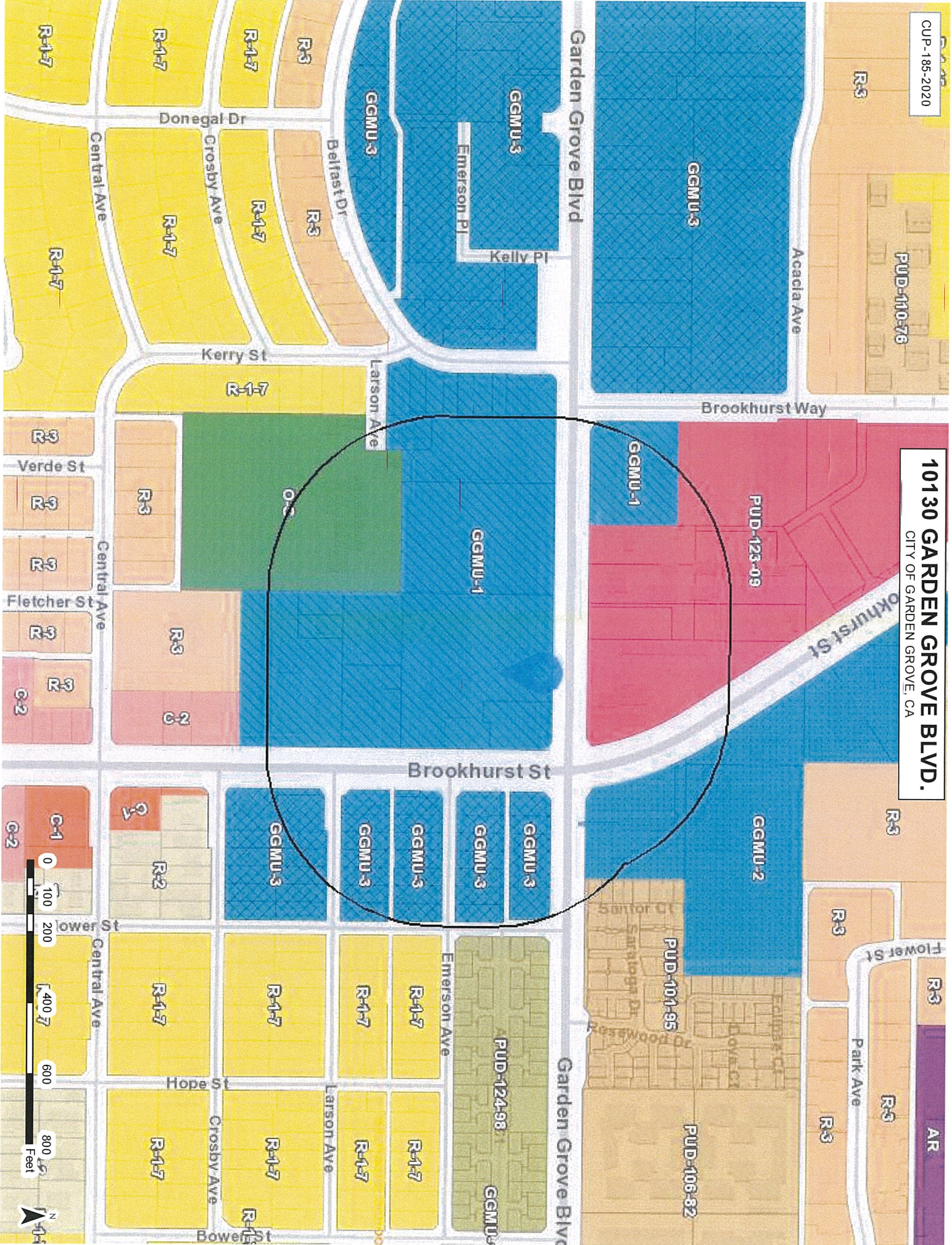
Lee Marino
Planning Services Manager



By: Huong Ly
Assistant Planner

10130 GARDEN GROVE BLVD.

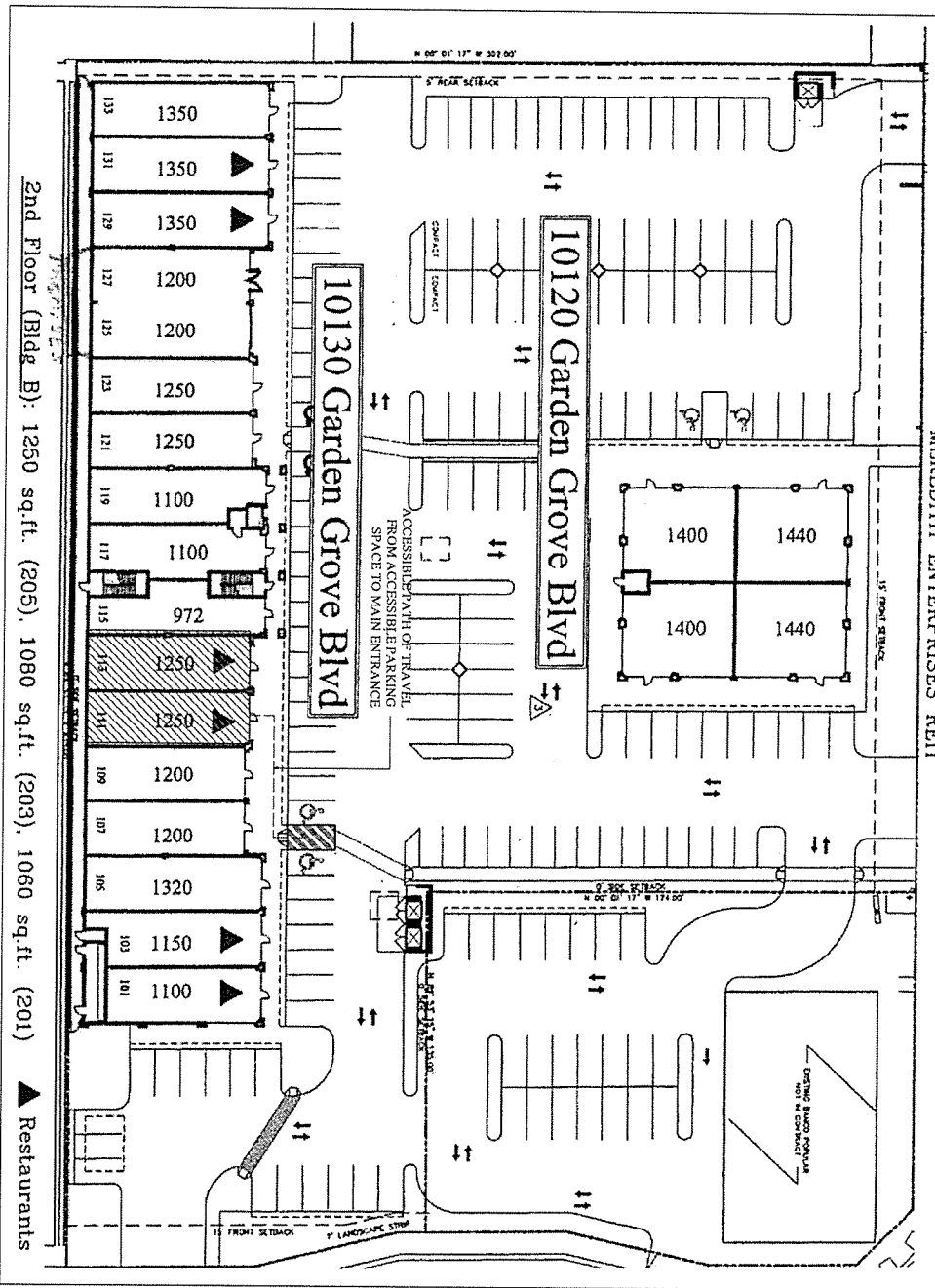
CITY OF GARDEN GROVE, CA



OC LAU RESTAURANT

Garden Grove Festival Square Footage Plan

MEREDITH ENTERPRISES REIT



2nd Floor (Bldg B): 1250 sq.ft. (205), 1080 sq.ft. (203), 1060 sq.ft. (201) ▲ Restaurants

SITE PLAN
N.T.S



GENERAL INFORMATION:
 TENANT: TINA NGUYEN
 PHONE: 714-200-3879

TOTAL FLOOR AREA = 2400 SF
 EMPLOYEES PER SHIFT = 5 PEOPLE
 OCCUPANCY : A2
 TYPE OF CONSTRUCTION : A2
 TYPE V NONE - RATED CONSTRUCTION
 SPRINKLER SYSTEM

FIRE ZONE: NO

PARKING REQUIRED FOR COFFEE SHOPS
 2400 SF / 100 = 24 SPACES

TOTAL PARKING SPACES = 155 SPACES

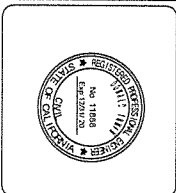
THE 2019 CBC BUILDING CODE
 THE 2019 CMC MECHANICAL CODE
 THE 2019 CEC ELECTRICAL CODE
 THE 2019 CPC PLUMBING CODE
 THE 2019 ENERGY TITLE 24

SCOPE OF WORK:
 ABC LICENSE CUP APPLICATION

INDEX:
 A1. SITE PLAN
 A2. FLOOR PLAN

TRAN DESIGN
 1602 N KING ST PS
 SANTA ANA CA
 714-418-5604
 TRANDESIGN@GMAIL.COM
 DESIGN BY: LEON TRAN

REGISTERED ARCHITECT
 LICENSE NO. 11888
 STATE OF CALIFORNIA
 LEON TRAN
 10/15/2019



OC LAU RESTAURANT
 10130 GARDEN GROVE BLVD#111-113
 GARDEN GROVE, CA 92841

SITE PLAN

2-24-2020

A1

RESOLUTION NO. 5985-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-185-2020 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-013-2014 FOR A PROPERTY LOCATED ON THE SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET AT 10130 GARDEN GROVE BOULEVARD #111-113, ASSESSOR'S PARCEL NO. 098-070-65

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on May 7, 2020, hereby approves Conditional Use Permit No. CUP-185-2020 and revoke Conditional Use Permit No. CUP-013-2014 for a property located on the southwest corner of Garden Grove Boulevard and Brookhurst Street, at 10130 Garden Grove Boulevard #111-113, Parcel No. 098-070-65, and hereby determines that public convenience or necessity would be served by issuance of an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General - Eating Place) license for the restaurant at this location.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-185-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Tina Nguyen for Oc & Lau.
2. The applicant is requesting Conditional Use Permit approval to allow an existing 2,500 square-foot, dine-in restaurant, Oc & Lau, located at 10130 Garden Grove Boulevard #111-113, to upgrade from a State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine – Eating Place) License to a new original Type "47" (On-Sale, General - Eating Place) License. Upon approval and exercise of the subject request, Conditional Use Permit No. CUP-013-2014 for a Type "41" (On-Sale, Beer and Wine – Eating Place), that is governing the tenant space, shall be revoked and become null and void.
3. The Planning Commission hereby determines that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Mixed Use 1). The restaurant occupies a 2,500 square foot, in-line tenant space, in a multi-tenant shopping center that includes retail stores and restaurants.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on May 7, 2020, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter at its meeting on May 7, 2020 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 property is located on the southwest corner of Garden Grove Boulevard and Brookhurst Street. The property is zoned GGMU-1 (Garden Grove Mixed-Use – 1), and has a General Plan Land Use designation of Residential/Commercial Mixed Use 1. The subject property abuts GGMU-1 zoned properties to the south and west; GGMU-2 (Garden Grove Mixed-Used–2) zoned properties, across Brookhurst Street, to the east; and Planned Unit Development No. PUD-123-09 zoned properties, across Garden Grove Boulevard, to the north.

Oc & Lau is a 2,500 square-foot eating establishment located in a commercial plaza that is improved with a two-story, multi-tenant building that includes retail stores and restaurants. Per City's record, the applicant has been operating the Oc & Lau restaurant at this location since 2014. On June 26, 2014, the City of Garden Grove approved Conditional Use Permit No. CUP-013-2014 to allow the restaurant to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine – Eating Place)) License to sell beer and wine.

The applicant is requesting approval of a new Conditional Use Permit to operate the restaurant with an original ABC Type "47" (On-Sale, General – Eating Place) License to sell beer, wine, and distilled spirits. Garden Grove Municipal Code, Title 9, Section 9.08.080.B.1, requires a new Conditional Use Permit when there is a change in the type of license, and an application for a new original ABC License. Upon approval of this request, the CUP-013-2014 will be revoked, and become null and void.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 105.
- The crime count for the District is 160.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 65% above the Citywide average; therefore, it is considered a high-crime area.

- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 887.02.
- ABC Census Reporting District No. 887.02 allows for seven (7) on-sale licenses within the District. Currently, there are twenty three (23) on-sale licenses in the District. The approval of this Conditional Use Permit request will replace the existing on-sale license Type "41" License with an on-sale Type "47" License. Therefore, the total number of on-sale licenses in District 887.02 will remain at twenty three (23).

FINDING OF PUBLIC CONVENIENCE OR NECESSITY:

Because the proposed establishment is located within a district with a high crime rate and in an area with an over-concentration of ABC licenses, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new alcohol license to the applicant unless the Planning Commission determines that the public convenience or necessity would be served by issuance of the license.

Although the proposed establishment is located in a high-crime area, a finding for public convenience or necessity is warranted given the potential community benefit through the addition of a beer, wine, and distilled spirits license, which would provide an additional amenity that would enhance the dining experience at Oc & Lau. In addition, the use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The business already operates with an ABC License Type "41" since 2014. With the replacement of the existing ABC Type "41" License with a Type "47" License, there will not be an overall increase in the number of ABC Licenses in the subject Census Tract. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open and preparing food during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) shall be permitted on the premises, unless, approved via the Conditional Use Permit process. Amplified music may be permitted for ambient purposes only, provided the music will not be audible outside the establishment.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for a State ABC Type "47" License will apply.

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 1 and is zoned Garden Grove Mixed Use 1 (GGMU-1). Eating establishments with alcohol sales are conditionally permitted in the GGMU-1 zone. The applicant has been operating the restaurant at this location since 2014. On June 26, 2014, the City of Garden Grove approved Conditional Use Permit No. CUP-013-2014 to allow the restaurant to operate with an original State ABC Type "41" (On-Sale, Beer and Wine – Eating Place) License. This approval will allow the OC & Lau restaurant to operate with a new State ABC Type "47" (On-Sale, General – Public Eating Place) license to continue to sell beer and wine with an addition of distilled spirits. The restaurant's operation will remain unchanged. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the sale of alcohol will be ancillary to the sale of food. The Oc & Lau restaurant will continue to operate as a full service style restaurant that operates with the standard hours of operation that are applied to State ABC Type "47" licensed establishments. Food is required to be served during all hours of operation, and the sale of alcoholic beverages will be incidental to the sale of food, and for on-site consumption only. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area.

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

The site is served by Garden Grove Boulevard and Brookhurst Street, which are fully developed streets that provide adequate traffic circulation and driveway access to serve the site. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Conditional Use Permit No. CUP-185-2020 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-185-2020.

Dated: May 7, 2020

EXHIBIT "A"

Conditional Use Permit No. CUP-185-2020

10130 Garden Grove Boulevard #111-113

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Tina Nguyen, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 2,500 square-foot restaurant with an Alcoholic Beverage Control Type "47" (On-Sale, Beer and Wine – Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic

Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted only between the hours of 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, including the hours for the entertainment, by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption off the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
13. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No

- item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.
14. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
 15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
 16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
 17. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
 18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
 19. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
 20. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
 21. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

Community and Economic Development Department

22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant

kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.

23. At all time when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
24. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
25. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
26. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
27. 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.
28. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.
29. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
30. There shall be no amusement devices permitted on the premises at any time.
31. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
32. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.

33. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
34. 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.
35. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
36. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
37. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
38. 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.
39. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
40. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
41. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and

- Economic Development Department, Planning Division. No advertising material shall be placed thereon.
42. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
 43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
 44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
 45. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
 46. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-185-2020 shall be kept on the premises at all times.
 47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-185-2020 and his/her agreement with all conditions of the approval.
 48. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
 49. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
 50. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action

concerning Conditional Use Permit No. CUP-185-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

51. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-185-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
52. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
53. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

AGENDA ITEM NO.: C.4.	SITE LOCATION: West side of Adelle Street, between Acacia Avenue and Garden Grove Boulevard, located at 12881 Adelle Street
HEARING DATE: May 7, 2020	GENERAL PLAN: Residential/Commercial Mixed Use 2
CASE NOS.: Site Plan No. SP-083-2020	ZONE: GGMU-2 (Garden Grove Boulevard Mixed Use 2)
APPLICANT: Mark Tran	CEQA DETERMINATION: Exempt – CEQA Guidelines § 15303 – New Construction or Conversion of Small Structures.
PROPERTY OWNER: Danh Pham	APN NO.: 133-472-02

REQUEST:

A request for Site Plan approval to demolish an existing duplex (two detached units) and an existing detached garage, to construct a new attached, three-story, four-unit (fourplex) apartment building on an 8,627 square foot property located at 12881 Adelle Street.

BACKGROUND:

The subject site is 8,627 square feet in area, and it is located on the west side of Adelle Street, between Acacia Avenue and Garden Grove Boulevard, at 12881 Adelle Street. The site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2, and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The property abuts GGMU-2 properties to the north, south, west and, across Adelle Street, to the east. The project property is located in a neighborhood that is developed with single-family and multi-family residences. Surrounding uses that abut the subject property include a single-family residence to the south, and residential duplexes to the north, to the east, and to the west.

The GGMU-2 zone is intended to provide for commercial and residential uses to be developed as integrated developments either on a single development site or as complementary uses within a district, such as commercial uses that provide goods and services for adjacent or integrated residential units. The GGMU-2 zone also permits the development of standalone multi-family developments (multiple residential dwelling units) with no commercial component. This zone implements the

General Plan Residential/Commercial Mixed Use 2 Land Use Designation. Development intensities are lower in scale (no more than three to four stories) and respect adjacencies to lower-density residential neighborhoods.

The applicant proposes to demolish the existing one-story, detached, residential duplex, and a detached garage that were built in 1955 in order to construct four (4) new, attached, three-story residential apartments, along with associated site improvements. The existing two-bedroom dwelling units have living areas of approximately 800 square feet to 900 square feet. The proposed new dwelling units will have total living areas that range from 1,431 square feet to 2,064 square feet, and each is designed with an attached two-car enclosed garage.

The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple family residential project. In addition, because the proposed housing project requires the demolition of existing residential dwelling units, Government Code § 66300(d) requires the City to impose specified replacement housing and affordability requirements as conditions of approval.

PROJECT STATISTICS:

	Provided	Code Requirement	Meets Code
Lot size	8,627 square feet	15,000 square feet	Yes ¹
Density	4 units	21 units per acre (max of 4 units)	Yes
Lot coverage	49.8%	50% (maximum)	Yes
Parking	11 spaces	11 spaces (minimum)	Yes
Enclosed	8 spaces	8 spaces	
Guest parking	3 spaces	3 spaces	
Recreation Area	1,500 square feet	1,200 square feet	Yes
Building Height	35'-6"	50 feet or 4 stories, whichever is less	Yes
Building Setbacks			
Front	19'-2"	15'-0"	Yes
Rear	10'-0"	10'-0"	Yes
Interior Side	10'-0"	10'-0"	Yes

¹ Section 9.18.090.020 of the Garden Grove Municipal Code states that when a lot has less than the minimum required area or width as set forth in the development standards for the zone in which it is located and was of record on November 12, 1960, the lot shall be deemed to have complied with the current minimum required lot area or width.

DISCUSSION:

SITE PLAN:

Site Design, Circulation and Parking

The project is designed with four (4) attached, three-story residential units located on the south side and west side of the property. Each unit is provided with an attached two-car enclosed garage, for a total of eight (8) enclosed parking spaces. In addition, the project will provide three (3) guest parking spaces that are evenly distributed throughout the site. Therefore, the project will provide a total of eleven (11) parking spaces on-site, which meets the minimum parking requirements of the Municipal Code.

A new 25'-0" wide driveway approach will be constructed, providing direct access off Adelle Street, which will lead to a new 28'-0" wide private drive aisle, located along the northerly property line, providing vehicular access to all enclosed garage spaces and guest parking spaces.

A new four feet (4'-0") wide walkway, located along the southerly property line, will be constructed as a single-shared pedestrian access from the public right-of-way to the front entry of each unit. The project has been designed to provide efficient vehicle and pedestrian circulation to all four (4) new units.

Unit Design

The project consists of four (4), three-story dwelling units, each with an attached two-car garage. Each floor will be in compliance with the minimum front, side, and rear yard setbacks set forth by the Municipal Code.

Building Design

	Number of Bedrooms/Baths	Living Area²
Unit 1 (Front)	2 Bedrooms, 2 Baths	1,621 square feet
Unit 2	2 Bedrooms, 2 Baths	1,621 square feet
Unit 3	2 Bedrooms, 2 Baths	1,431 square feet
Unit 4 (Rear)	3 bedrooms, 3 Baths	2,064 square feet

Units 1 and 2, which are identical in size and design, will provide a total living area of 1,621 square feet, excluding the 458 square foot two-car garage. The first floor

² Garages are not included in total living area.

consists of an attached enclosed two-car garage, and a 66 square foot entry area with a stairway that leads to the main living area on the second floor. The second floor provides 694 square feet of living area, consisting of a living room, a kitchen, a dining area, a pantry, and powder room. The second floor of Unit 1 and Unit 2 also provide a 160 square foot balcony that is accessed directly from the dining area. The third floor will provide 861 square feet of living area that consists of one (1) standard bedroom, one (1) master bedroom, two (2) bathrooms (one (1) private full bathroom and one (1) Jack-and-Jill full bathroom).

Unit 3 will provide a total living area of 1,431 square feet, excluding the attached 489 square foot two-car garage. The first floor consists of an attached two-car garage, and a 53 square foot entry area with a stairway that leads to the main living area on the second floor. The second floor will provide 689 square feet of living area, consisting of a living room, a dining area, a kitchen, a pantry, a laundry room, and a common bathroom. The third floor will provide 689 square feet of living area that consists of two (2) bedrooms, and one (1) common bathroom.

Unit 4 will provide a total living area of 2,064 square feet, excluding the attached 432 square foot garage. The first floor will consist of an attached two-car enclosed garage and a 370 square foot living area that includes a living room, a powder room and a staircase that leads to the main living area on the second floor. The second floor will provide 847 square feet of living area, consisting of a kitchen with a dining area, a bedroom with his and her closet, and a Jack-and-Jill full bathroom. The third floor will provide 847 square feet of living area, consisting of two (2) bedrooms, a Jack-and-Jill full bathroom, and a laundry room.

Landscaping and Recreation Area

The Municipal Code requires all areas that are not designated for walkways, parking spaces, drive aisles, and private recreation areas, to be fully landscaped and irrigated. In addition, the applicant is required to provide a landscape and irrigation plan that complies with the requirements of Title 9 of the Municipal Code. The project will provide landscaping in the front, side, and rear yard setback areas, using a variety of plant materials. All landscaped areas will be fitted with automatic irrigation systems that comply with the City's Water Efficiency Guidelines.

In addition, the project is required to provide a minimum of 1,200 square feet of private open space that is calculated at 300 square feet per unit. Private open space for each unit can be in the form of a patio, a yard, a balcony or a combination thereof, and must comply with the minimum dimension of nine feet (9'-0"), and with minimum areas of 100 square feet on the first floor, and 90 square feet on the second and third floors, as set forth by the Section 9.12.040.050.J of the Municipal Code.

Unit 1 and Unit 2 will provide a total of 300 square feet of private open space that includes a 140 square foot open patio on the first floor, and a 160 square foot balcony on the second floor. Unit 3 will provide 300 square feet of open patio area on the first

floor abutting the front entry of the unit. Unit 4 will provide approximately 600 square feet of open patio area on the first floor abutting the front entry and the rear yard area. The project provides a total of 1,500 square feet of private open space, which exceed the minimum open space requirements of the Municipal Code.

Building Design

The proposed apartment building will be three (3) stories in height, and will incorporate a contemporary architectural style. The design integrates different building massing to enhance the building façade, and eliminate the appearance of a boxed-shaped design. The design also includes various architectural features including stucco exteriors, decorative siding, a combination of flat and angled roof shapes, and balcony railing that is commonly found in modern contemporary architectural design.

Perimeter Walls

The development will maintain a six-foot (6'-0") high, decorative masonry block wall along the perimeter of the site, along the westerly, northerly, and southerly property lines. Furthermore, a six-foot high wood fence will be constructed between each private patio area to provide privacy for each of the units.

California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 3, New Construction or Conversion of Small Structures (CEQA Guidelines §15303).

SB 330 COMPLIANCE:

In 2019, the Legislature adopted and the Governor approved Senate Bill 330 enacting the Housing Crisis Act of 2019 (Government Code § 66300). This new law took effect January 1, 2020 and is scheduled to sunset on January 1, 2025. Among other provisions, SB 330 imposed new requirements when a proposed new housing development would require the demolition of existing residential units.

Pursuant to Government Code § 66300(d)(1), the City may not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished. This proposed project satisfies this requirement because it will replace two existing units with four new ones.

In order to prevent new housing projects from displacing existing lower income rental households, SB 330 also imposes several requirements that the City must require a developer to comply with when a proposed housing development project will require the demolition of occupied or vacant "protected units". "Protected units" include

residential dwelling units that are or were occupied by lower or very low income households within the past five years. Pursuant to Government Code § 66300(d)(2), the City may not approve a housing development project that will require the demolition of occupied or vacant "protected units", unless all of the following apply:

- The housing development project will "replace" all existing or demolished "protected units", which requires all rental replacement units be subject to a recorded affordability restriction for at least 55 years;
- The housing development project will include at least as many residential dwelling units as the greatest number of residential units that existed on the project site within the last five years;
- Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice; and
- The developer agrees to provide both (i) relocation benefits to the occupants of protected units and (ii) a right of first refusal for comparable units available in the new housing development that are affordable to the household at an affordable rent.

The City requires applicants for housing development projects to complete a Replacement Housing Determination Form providing the information necessary for the City to determine if any "protected units" will be demolished. The Form completed by this Applicant indicates that the income level of the current and prior occupants of the existing two units is unknown. Where the income category of the household in occupancy is not known, the statute provides that it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For Garden Grove, this proportion is 79.7%. Therefore, there is a rebuttable presumption that both of the existing dwelling units are "protected units," and the applicant must comply with the replacement housing and tenant protection provisions of SB 330 for both units.

A condition of approval has been included requiring the applicant to comply with the above requirements and to enter into an Affordable Housing Agreement with the City. The Affordable Housing Agreement must be approved by the City Council and recorded prior to issuance of a building permit for any structure in the housing development, and it will run with the land and bind all future owners and successors in interest.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt Resolution No. 5896-20 approving Site Plan No. SP-083-2020, subject to the recommended Conditions of Approval.



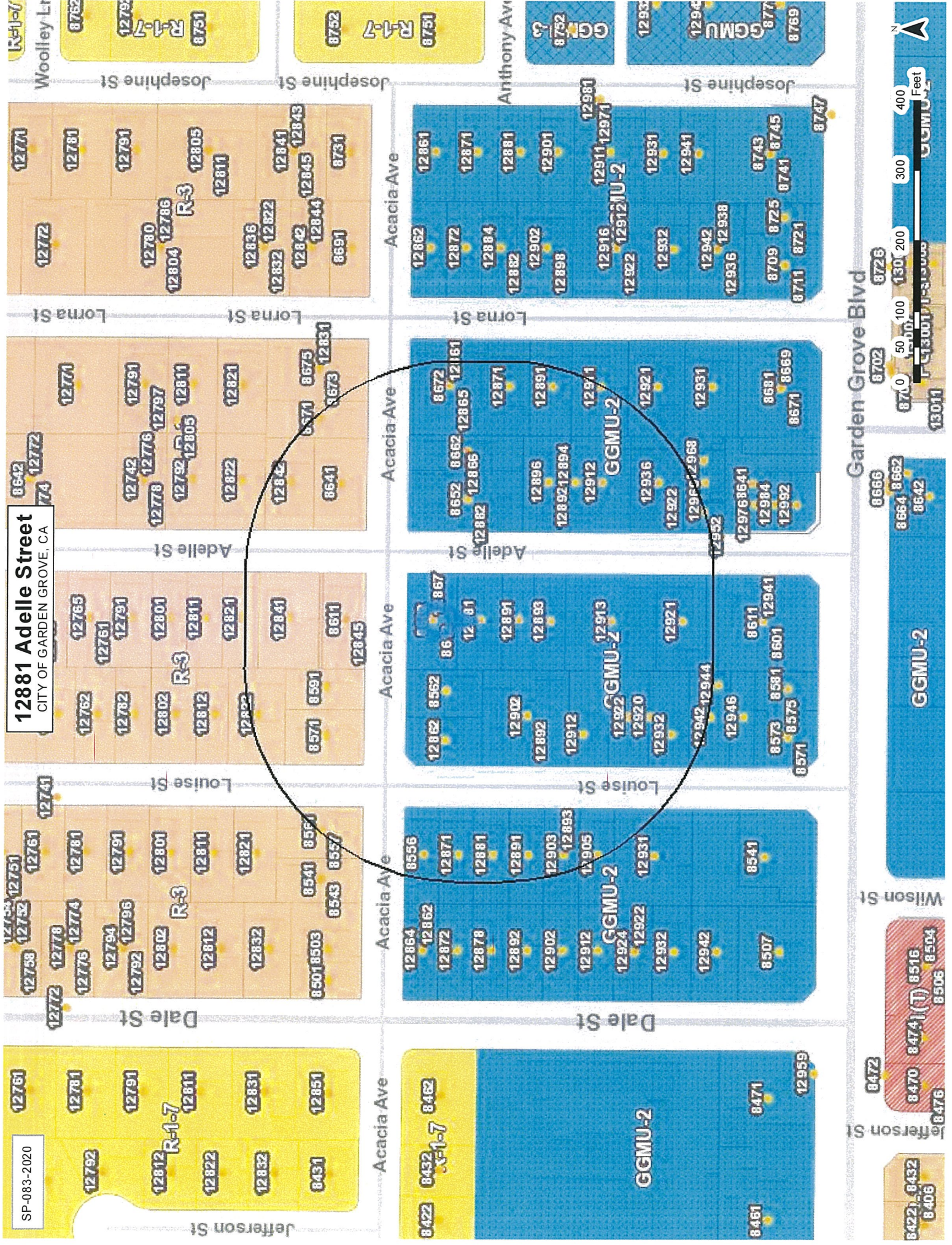
LEE MARINO
Planning Services Manager



By: Huong Ly
Assistant Planner

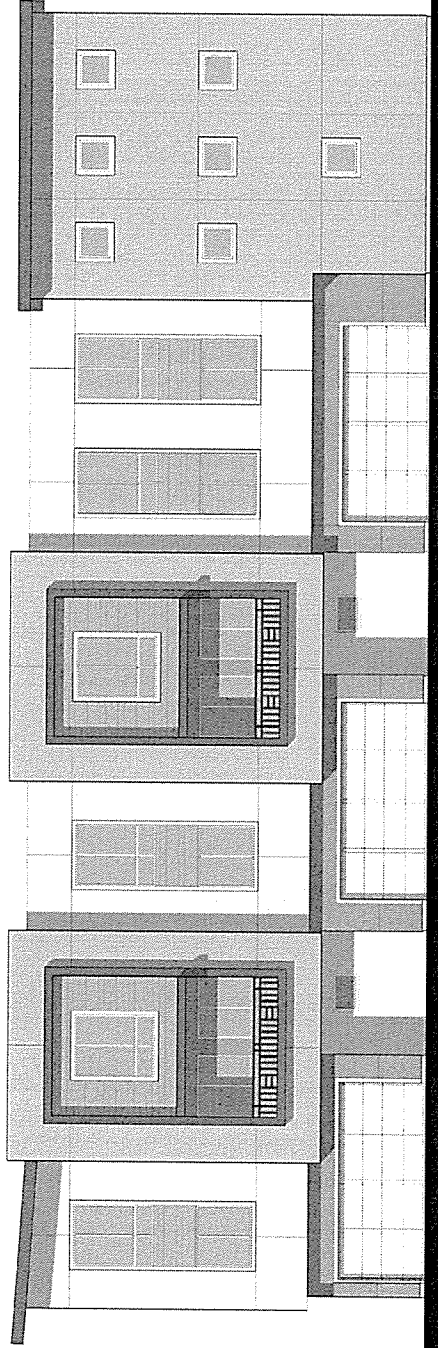
12881 Adelle Street
CITY OF GARDEN GROVE, CA

SP-083-2020



ADELLE APARTMENT

12881 ADELLE STREET
GARDEN GROVE, CA 92841



GENERAL DATA

SITE ADDRESS:
12881 ADELLE STREET
GARDEN GROVE, CA 92841

OCCUPANCY:
CGMU-2
3-STORY
YES

STORIES:
3

SPRINKLERS:
YES

SQUARE FOOTAGES:

UNIT 1 & 2:
1ST FLOOR: 66 S.F.
2ND FLOOR: 64 S.F.
3RD FLOOR: 90 S.F.
TOTAL LIVABLE AREA: 160 S.F.
GARAGE: 458 S.F.
PATIO: 140 S.F.
BALCONY: 160 S.F.

UNIT 3:
1ST FLOOR: 53 S.F.
2ND FLOOR: 69 S.F.
3RD FLOOR: 67 S.F.
TOTAL LIVABLE AREA: 130 S.F.
GARAGE: 489 S.F.
PATIO: 300 S.F.

UNIT 4:
1ST FLOOR: 370 S.F.
2ND FLOOR: 847 S.F.
3RD FLOOR: 847 S.F.
TOTAL LIVABLE AREA: 2064 S.F.
GARAGE: 523 S.F.
PATIO: 300 S.F.

SITE COVERAGE W/ PARKING: 4,292 S.F.
LOT SIZE: 8,627 S.F.
LOT COVERAGE: 49.8%
HEIGHT OF STRUCTURE: 35'-0"

PROJECT NARRATIVE

PROPOSED TO DEMOLISH THE EXISTING 2 DETACHED BUILDINGS WITH EACH AND 2-CAR GARAGE WITH A WORKSHOP.

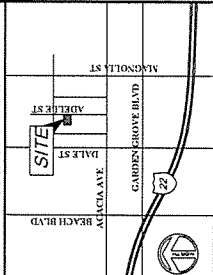
BUILD A FIVE-UNIT, 3-STORY APARTMENT BUILDING WITH ONE 3-BEDROOM UNIT WITH SUITING AND THREE 2-BEDROOM UNITS WITH 2 BATHS. THE LIVABLE AREA FOR THE UNITS ARE APPROX. 160-2100 SQ. FT.

OWNER/APPLICANT:
DANIEL TRAM
12881 ADELLE STREET
GARDEN GROVE, CA 92841
(714) 330-3300

ARCHITECT/DESIGNER:
MARK TRAM
12881 SWEETBRIAR
GARDEN GROVE, CA 92840
(714) 880-5810

PROJECT SUMMARY:
TOTAL PROPERTY AREA: 8,627 SF
TOTAL UNIT AREA: 4,841 SF
OPEN SPACE: 3,786 SF
PARKING: 2-CAR GARAGE/2-CAR PAVILION + 11 PROPOSED PARKING PROVIDED + 11 PROVIDED BY DEVELOPER

VICINITY MAP



CODE REQUIREMENTS

2019 CA RESIDENTIAL CODE (CRC)
2019 CA MECHANICAL CODE (CMC)
2019 CA PLUMBING CODE (CPC)
2019 CA ELECTRICAL CODE (CEC)
2019 CA STANDARDS CODE (CSBSC)
2019 CA ENERGY EFFICIENCY STANDARDS (CEES)

CITY OF GARDEN GROVE LOCAL ORDINANCES

SHEET INDEX

A-1 COVER SHEET
A-2 SITE PLAN
A-3 BUILDING PLANS
A-4 UNIT PLANS
A-5 UNIT PLANS & ELEVATIONS
A-6 ELEVATIONS
A-7 COLOR BOARD

ZONING CONFORMANCE MATRIX

SUBJECT	CODE SECTION	REQUIRED/ALLOWABLE	PROPOSED/PROVIDED
MAXIMUM RESIDENTIAL DENSITY		21 Units/Acre ± 5 Units Allowed	Use site 19000-01 ± 4 Units
SETBACK		15 feet	15 feet
HEIGHT		35 feet	35 feet
LANDSCAPE (Front Yard)		5% of Front Yard ± 27 SF	5% ± 27 SF
HEIGHT REQUIREMENTS		35 feet	35 feet
PARKING		More than 35 sleeping rooms ± 25 ± 8 spaces (15 units × 25 ± 15) More than 35 sleeping rooms ± 25 ± 8 spaces (15 units × 25 ± 15) 21 ± 21 ± 11 (Private) ± 8 (Public) ± 25	21 Parking Spaces 8 (Private) ± 2-car garage 11 (Public) ± 4 spaces
SCREENING/WINDY		20 feet with 10 foot Grade Slope	20 feet with 10 foot Grade Slope

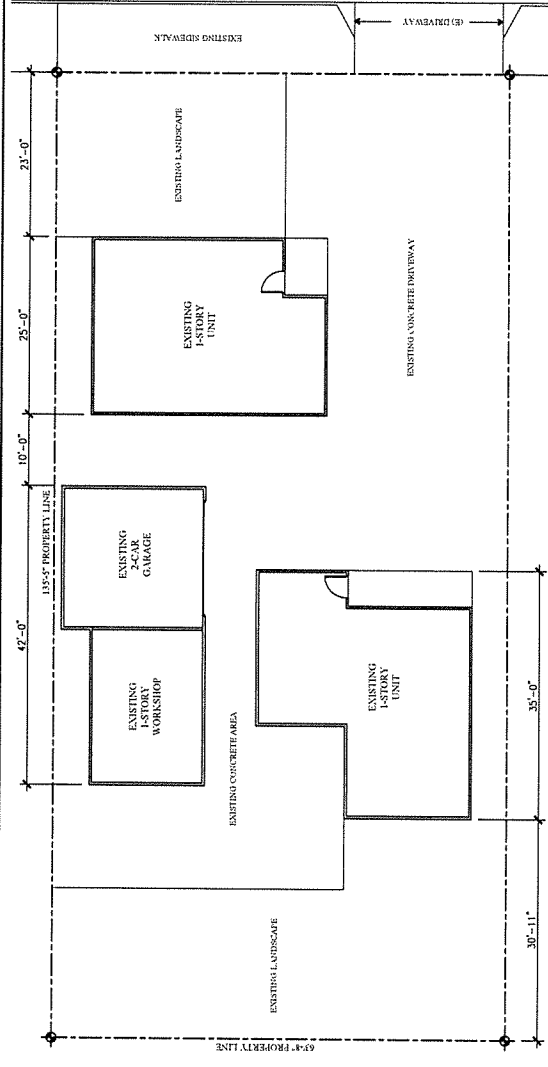
DATE: 04-02-20
A-1

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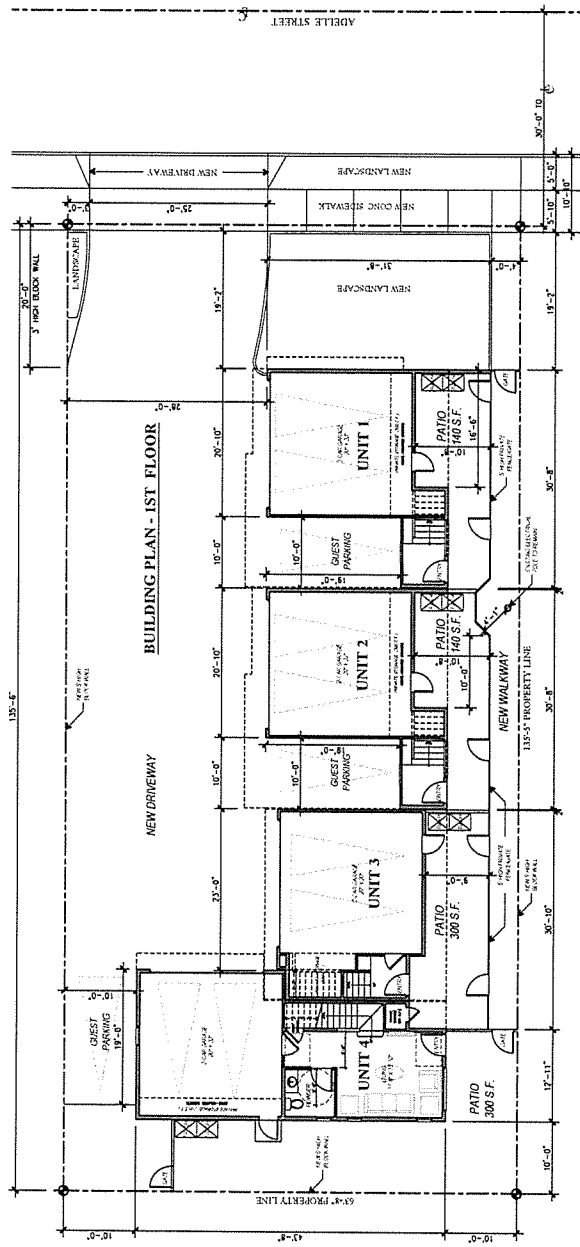
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ADELLE APARTMENT - GARDEN GROVE, CA
12881 ADELLE STREET, GARDEN GROVE, CA 92841





EXISTING SITE PLAN



ADELLE APARTMENT - GARDEN GROVE, CA
 12881 ADELLE STREET, GARDEN GROVE, CA 92841

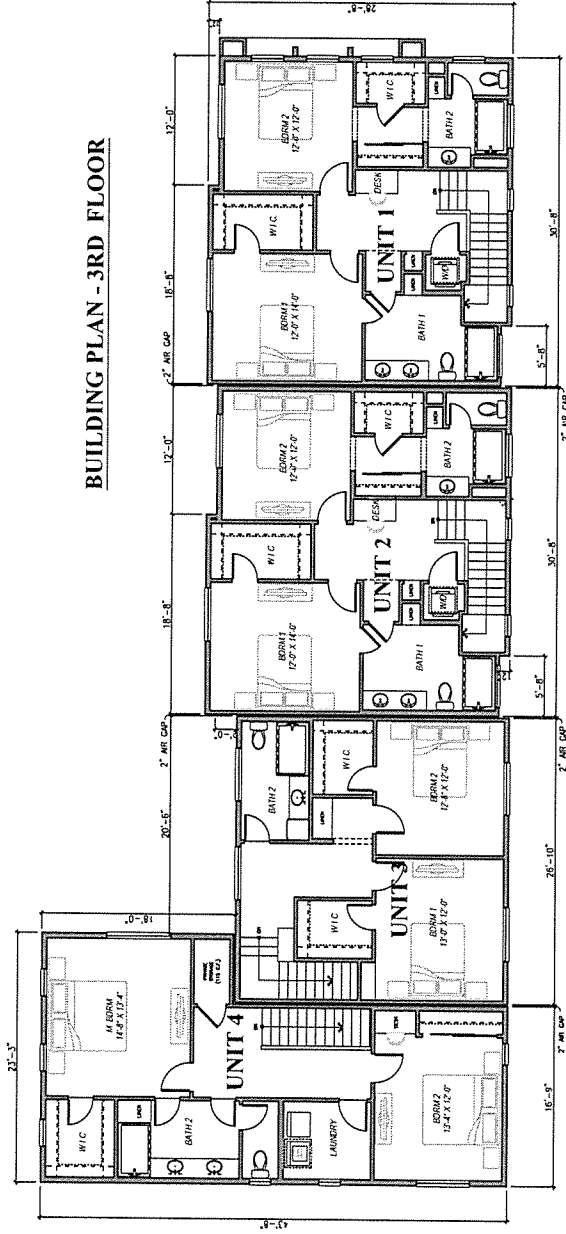
PROPOSED SITE PLAN / 1ST FLOOR
 SCALE: 1/8" = 1'-0"
 DATE: 04-03-20
 A-2



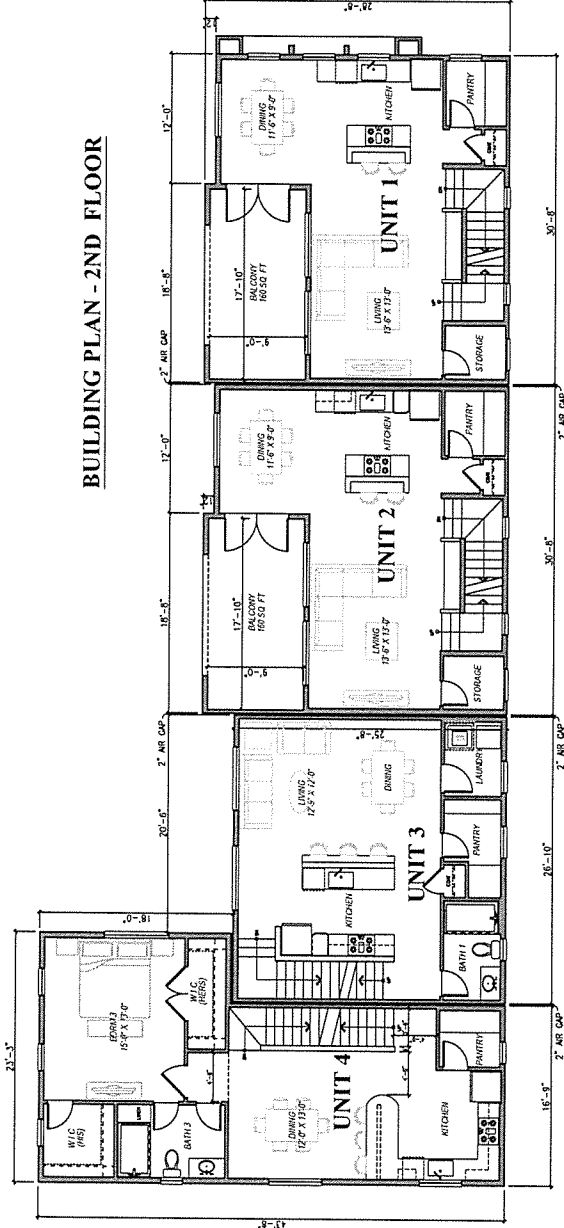
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BUILDING PLAN - 3RD FLOOR



BUILDING PLAN - 2ND FLOOR



DATE: 04-02-20
SCALE: 1/8" = 1'-0"
A-3

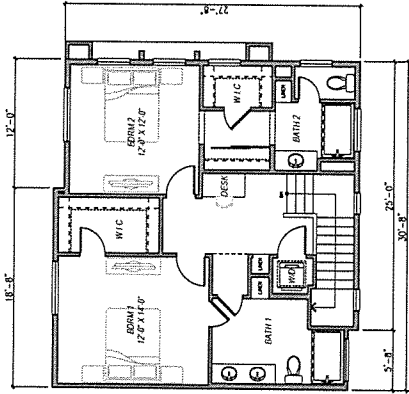
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PROPOSED BUILDING PLANS

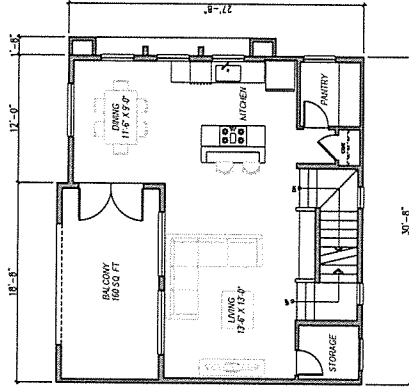
ADELLE APARTMENT - GARDEN GROVE, CA

12881 ADELLE STREET, GARDEN GROVE, CA 92841

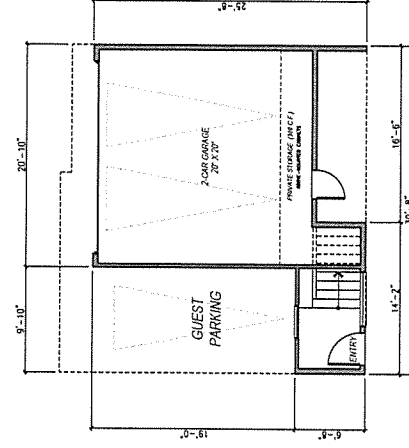
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3RD FLOOR



2ND FLOOR



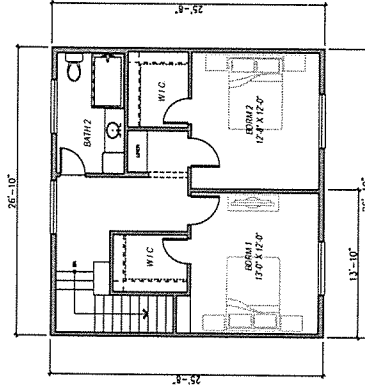
1ST FLOOR

UNIT 1 & 2

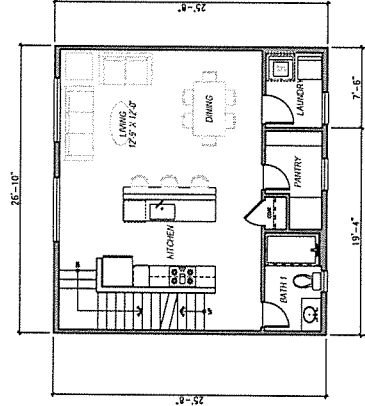
Livable Square Footage:

1ST FLOOR	66 S.F.
2ND FLOOR	694 S.F.
3RD FLOOR	861 S.F.
Total	1,621 S.F.

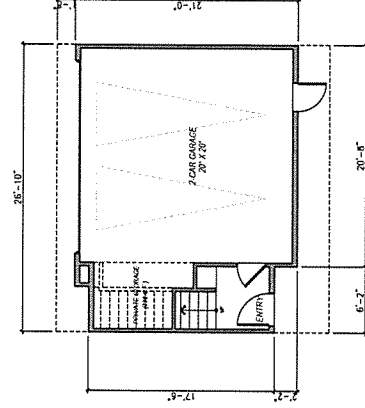
2-CAR GARAGE	458 S.F.
PATIO	140 S.F.
BALCONY	169 S.F.



3RD FLOOR



2ND FLOOR



1ST FLOOR

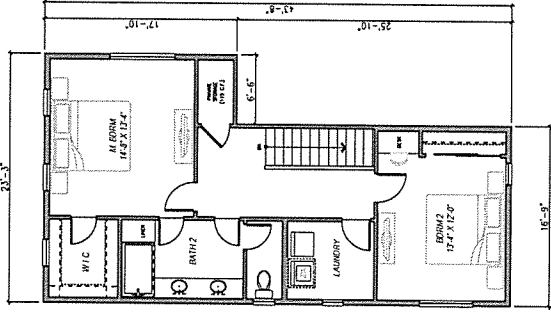
UNIT 3

Livable Square Footage:

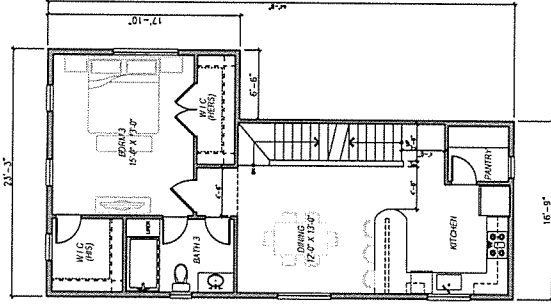
1ST FLOOR	53 S.F.
2ND FLOOR	689 S.F.
3RD FLOOR	689 S.F.
Total	1,431 S.F.

2-CAR GARAGE	489 S.F.
PATIO	300 S.F.
BALCONY	50 S.F.

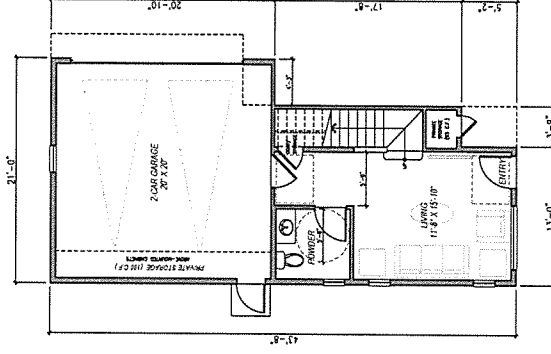




3RD FLOOR



2ND FLOOR



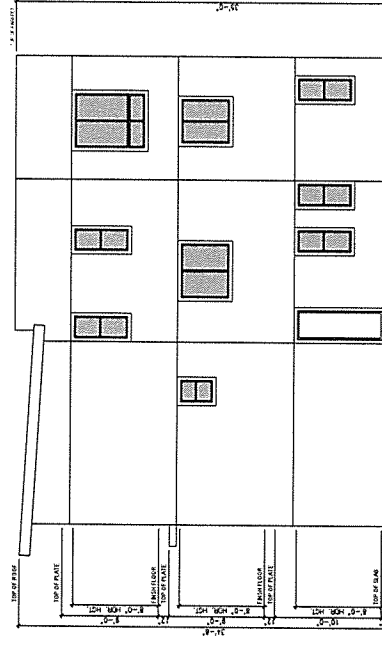
1ST FLOOR

UNIT 4 (ADA)

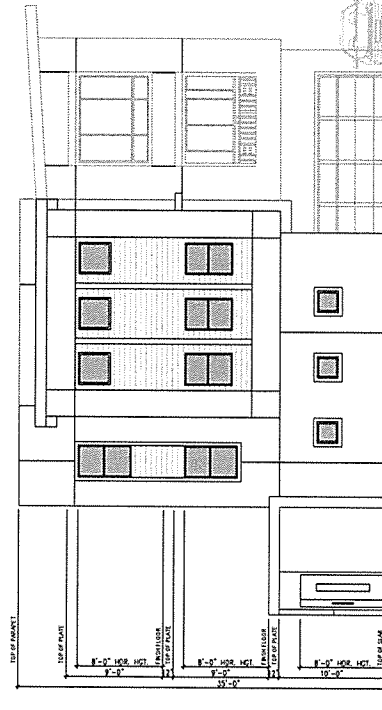
Living Square Footage:

1ST FLOOR	370 S.F.
2ND FLOOR	847 S.F.
3RD FLOOR	847 S.F.
Total	2,064 S.F.

2-CAR GARAGE 432 S.F.
PATIO 300 S.F.



REAR ELEVATION



FRONT ELEVATION

ADELLE APARTMENT - GARDEN GROVE, CA

12881 ADELLE STREET, GARDEN GROVE, CA 92841

PROPOSED UNIT PLANS & ELEVATIONS

SCALE: 3/16" = 1'-0"

DATE: 04-02-20

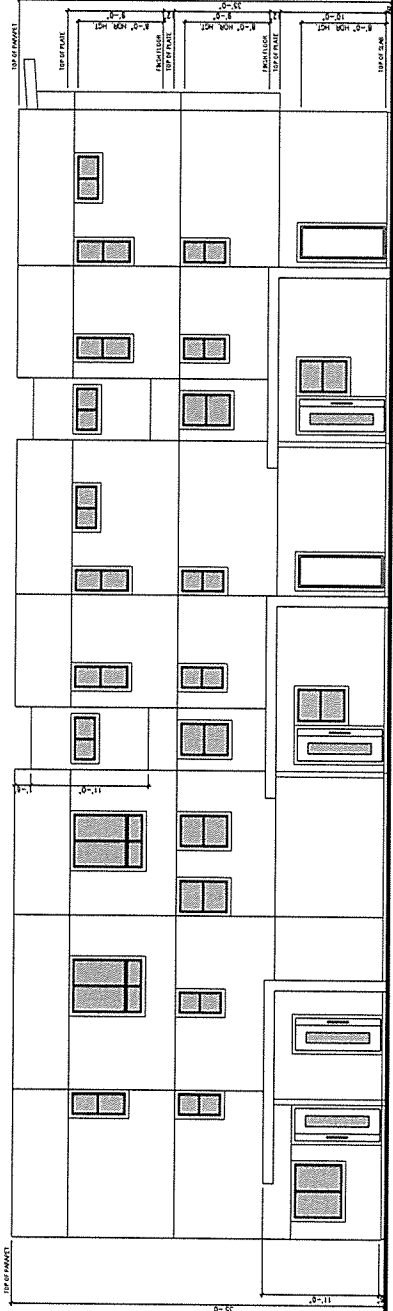
A-5

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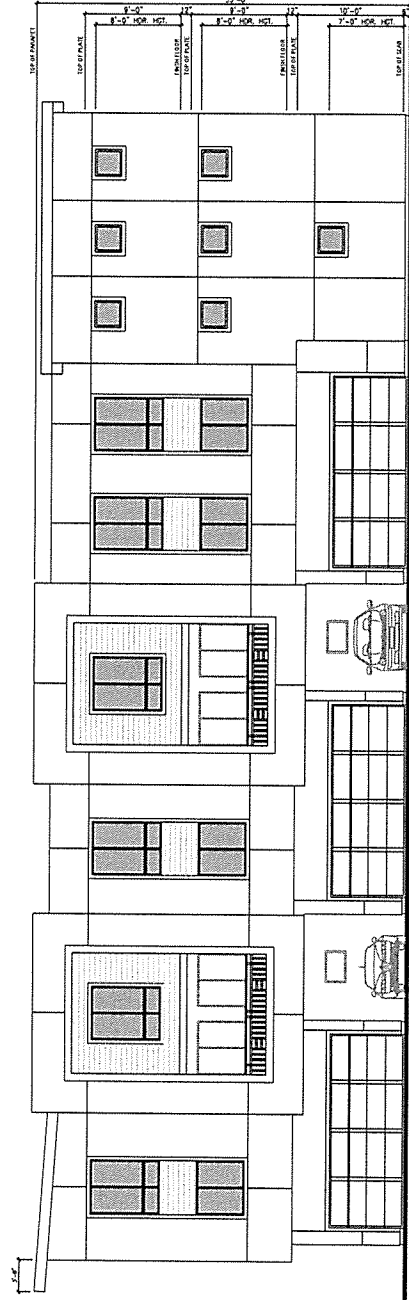
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LEFT ELEVATION



RIGHT ELEVATION

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12881 ADELLE STREET, GARDEN GROVE, CA 92841

PROPOSED ELEVATIONS

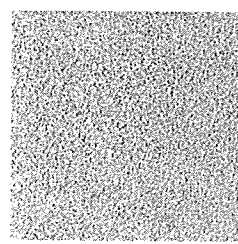
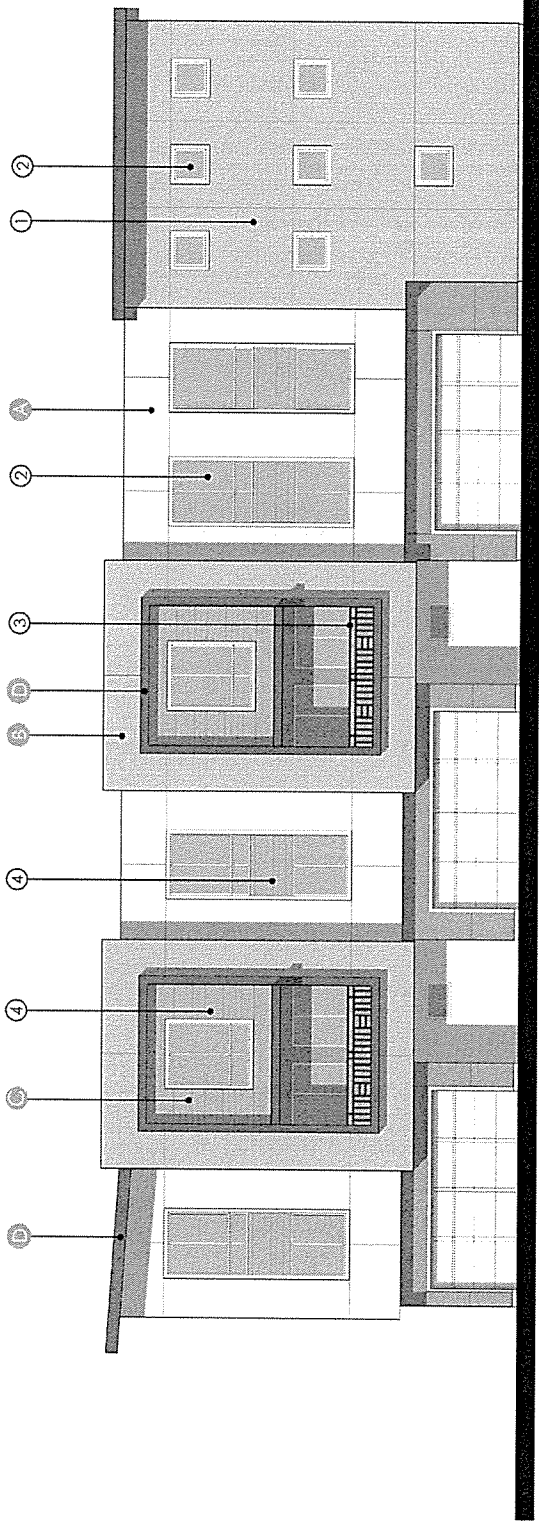
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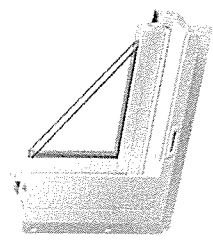
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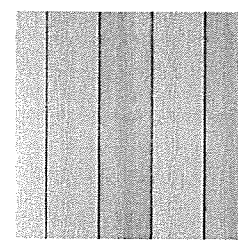
1 OMEGA STUCCO
 1/8" SAND FINISH
 PAINT COLOR - TO MATCH
 PAINT SPECS



2 VINYL WINDOW
 COLOR - WHITE



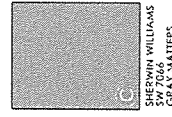
3 STEEL TUBE METAL RAILING
 PAINT GRADE



4 FIBREX CEMENT FLANK SIDING
 JAMES HARDIE
 PAINT GRADE



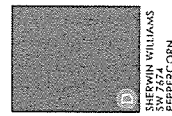
5 SHERWIN WILLIAMS
 JAMES HARDIE
 EXTRA WHITE



6 SHERWIN WILLIAMS
 JAMES HARDIE
 EXTRA WHITE



7 SHERWIN WILLIAMS
 LAY GRAY



8 SHERWIN WILLIAMS
 PEPPER CORN

ADELLE APARTMENT - GARDEN GROVE, CA

12881 ADELLE STREET, GARDEN GROVE, CA 92841

COLOR & MATERIAL BOARD

DATE:
 02-20-20

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RESOLUTION NO. 5896-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-083-2020, FOR A PROPERTY LOCATED ON THE WEST SIDE OF ADELLE STREET, BETWEEN ACACIA AVENUE AND GARDEN GROVE BOULEVARD, AT 12881 ADELLE STREET, ASSESSOR'S PARCEL NO. 133-472-02.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 7, 2020, does hereby approve Site Plan No. SP-083-2020, for a property located on the west side of Adelle Street, between Acacia Avenue and Garden Grove Boulevard, at 12881 Adelle Street, Assessor's Parcel No. 133-472-02, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-083-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Mark Tran, applicant.
2. The applicant is requesting Site Plan approval to demolish an existing duplex (two detached units) and an existing detached garage, to construct a new attached, three-story, four-unit (quadplex) apartment building on an 8,627 square foot property located at 12881 Adelle Street (Assessor's Parcel No. 133-472-02).
3. The Planning Commission hereby determines that the proposed project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is currently zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The site is currently improved with a detached duplex and a detached garage.
5. Existing land use, zoning, and General Plan Designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 7, 2020 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 on May 7, 2020 and considered all oral and written testimony presented regarding the project.

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 site is 8,627 square feet in area, and it is located on the west side of Adelle Street, between Acacia Avenue and Garden Grove Boulevard, at 12881 Adelle Street. The site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2, and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The property abuts GGMU-2 properties to the north, south, west and, across Adelle Street, to the east. The project property is located in a neighborhood that is developed with single-family and multiple-family residences. Surrounding uses that abut the subject property include a single-family residence to the south, and residential duplexes to the north, to the east, and to the west.

The GGMU-2 zone is intended to provide for commercial and residential uses to be developed as integrated developments either on a single development site or as complementary uses within a district, such as commercial uses that provide goods and services for adjacent or integrated residential units. The GGMU-2 zone also permits the development of standalone multi-family developments (multiple residential dwelling units) with no commercial component. This zone implements the General Plan Residential/Commercial Mixed Use 2 Land Use Designation. Development intensities are lower in scale (no more than three to four stories) and respect adjacencies to lower-density residential neighborhoods.

The applicant proposes to demolish the existing one-story, detached, residential duplex, and a detached garage that were built in 1955 in order to construct four (4) new, attached, three-story residential apartments, along with associated site improvements. The proposed dwelling units will have total living areas that range from 1,431 square feet to 2,064 square feet, and each is designed with an attached two-car enclosed garage.

Units 1 and 2, which are identical in size and design, will provide a total living area of 1,621 square feet, excluding the 458 square foot two-car garage. Unit 3 will provide a total living area of 1,431 square feet, excluding the attached 489 square foot two-car garage. Unit 4 will provide a total living area of 2,064 square feet, excluding the attached 432 square foot garage.

The two existing residential dwelling units that will be demolished each are 800-900 square feet in size, contain two bedrooms, and are currently occupied as rental units. The income level of the current households in occupancy is unknown. Therefore, there is a rebuttable presumption that both existing units are occupied by lower income renter households and are "protected units" pursuant to Government Code § 66300(d)(2).

FINDINGS AND REASONS:Site Plan:

1. The Site Plan is consistent with the General Plan and complies with the spirit and intent of the provisions, conditions, and requirements of Title 9 and the General Plan.

The property has the General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The Residential/Commercial Mixed Use 2 is intended to provide for a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. Goal LU-2 of the General Plan intends to establish stable, well-maintained residential neighborhoods in Garden Grove, and policy LU-IMP-2B encourages new developments that are similar in scale to the adjoining residential neighborhood to preserve its character. Goal LU-3 of the General Plan intends to add higher residential developments adjacent to major thoroughfares in the City, and Policy LU-IMP-3B encourages multi-family residential developments that are lower in scale (no more than three or four stories), and provide a buffer between the corridor and lower density area. The project property is located in a neighborhood that is developed with a mix of single-family and multiple-family residences. Surrounding uses that abut the subject property include a single-family residence to the south, and residential duplexes to the north, to the east, and to the west. The applicant is proposing to demolish two (2) existing dwelling units and to construct four (4) new, attached, three-story apartment units along with associated site improvements. The project is consistent with the vision of the City's General Plan, and provides a buffer between commercial area along the Garden Grove Boulevard and lower density area across Acacia Avenue. Additionally, the project will provide additional housing in the immediate area that will further the goals of the City's Housing Element.

The property is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2), and a standalone multi-family residential development with no commercial component is a permitted use. The proposed design complies with the development standards set forth by the Municipal Code, including setbacks, building height, number of parking spaces, and open space. Therefore, the proposed project will improve the site and fulfill the goals and policies of the General Plan and Land Use Code by creating a well maintained and attractive development that enhances the existing residential neighborhood.

2. The project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The applicant proposes to demolish the existing structures on-site to accommodate the construction of four (4) new, attached, three-story residential

apartments, along with associated site improvements, including new parking spaces, new driveway approach, and new vehicle and pedestrian access.

The Municipal Code requires the project to provide a minimum of eleven (11) parking spaces, comprised of a two-car enclosed garage per unit, and three (3) guest parking spaces. Each unit is designed with an attached two-car enclosed garage, for a total of eight (8) enclosed parking spaces. In addition, the project will provide three (3) guest parking spaces that are evenly distributed throughout the site. Therefore, the project will provide a total of eleven (11) parking spaces on-site, which complies with the minimum parking requirement of the Municipal Code.

A new 25'-0" wide driveway approach will be constructed, providing direct access off Adelle Street, which will lead to a new 28'-0" wide private drive aisle, located along the northerly property line, providing vehicular access to all enclosed garage spaces and guest parking spaces. A new four feet (4'-0") wide walkway, located along the southerly property line, will be constructed as a single-shared pedestrian access from the public right-of-way to the front entry of each unit. The project has been designed to provide efficient vehicle and pedestrian circulation for all four (4) new units.

The City's Traffic Engineering has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to minimize any adverse impacts to surrounding streets.

3. The project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

The project is required to make street improvements along Adelle Street. The street improvements include constructing curb and gutter, constructing a sidewalk, constructing the drive approach, and providing parkway landscaping behind the new sidewalk, which matches the adjacent street improvements. Additionally, existing utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development. The Public Work's Department has reviewed the plans, and all appropriate conditions of approval have been incorporated to address public facilities.

4. The project will not adversely impact the City's ability to perform its required public works functions.

The project has been reviewed by the Public Works Department, which has required various on- and off-site improvements, including sidewalks, a new driveway, and grading improvements. All appropriate conditions of approval have been incorporated to minimize any adverse impacts.

5. The project is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics.

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive environment that will be an enhancement to the neighborhood and is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. The proposed apartment building will be three (3) stories in height, and will incorporate a contemporary architectural style. The design integrates different building massing to enhance the building façade, and eliminate the appearance of a boxed-shaped design. The design also includes various architectural features including stucco exteriors, decorative siding, a combination of flat and angled roof shapes, and balcony railing that is commonly found in modern contemporary architectural design. The architectural style is consistent throughout the development. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

6. That through the planning and design of buildings and building placement, the provision of open space, landscaping, and other site amenities, the project will attain an attractive environment for the occupants of the property.

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood. The Municipal Code requires all areas that are not designated for walkways, parking spaces, drive aisles, and private recreation areas, to be fully landscaped and irrigated. In addition, the project is required to provide a landscape and irrigation plan that complies with the requirements of Title 9 of the Municipal Code. The project will provide landscaping in the front, side and rear yard setback areas, using a variety of plant materials. All landscaped areas/installations will be fitted with automatic irrigation systems that comply with the City's Water Efficiency Guidelines.

The project is required to provide a minimum of 1,200 square feet of private open space that is calculated at 300 square feet per unit. The project provides a total of 1,500 square feet of private open space, which exceed the minimum open space requirements of the Municipal Code. Private open space for each unit, that is provided in the form of a patio, a yard, a balcony or a combination thereof, and complies with the minimum dimension of nine feet (9'-0"), and minimum areas of 100 square feet on the first floor, and 90 square feet on the second and third floors as set forth by the Section 9.12.040.050.J of the Municipal Code.

In addition to the landscaping, the project proposes a contemporary architectural style for the apartment building. The design integrates different building massing to enhance the building façade, and eliminate the appearance of a boxed-shaped design. The design also includes various architectural features including stucco exteriors, decorative sidings, a combination of flat and angled roof shapes, and balcony railing that is commonly found in modern contemporary architectural design. Therefore, the project will create an attractive environment for the occupants and visitors of the property.

SB 330 COMPLIANCE:

1. The proposed housing development project will create at least as many residential dwelling units as will be demolished.

The proposed housing development will demolish two residential units and will create four new residential units.

2. The proposed housing development project will replace all existing or demolished protected units.

Approval of the proposed housing development project is subject to a condition of approval requiring the applicant to replace all existing protected units by providing at least the same number of units of equivalent size, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy as of the date the Applicant submitted a complete application, for a period of 55 years commencing upon issuance of a certificate of occupancy for the project. The condition of approval also requires that all replacement units shall be subject to an Affordable Housing Agreement with the City that runs with the land and binds all future owners and successors in interest and that shall be approved by the City Council and recorded prior to issuance of a building permit for any structure in the housing development.

3. The proposed housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

The project site has contained two residential dwelling units since 1955. The proposed housing development project will include four residential dwelling units.

4. Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice.

Approval of the proposed housing development project is subject to a condition of approval requiring the Applicant to allow existing residents of all protected units to occupy their units until six months before the start of construction activities

with proper notice. The condition of approval also requires a provision containing this requirement to be included in the Affordable Housing Agreement the Applicant must enter into with the City prior to issuance of a building permit for any structure in the housing development.

5. The developer agrees to provide both (i) relocation benefits to the occupants of protected units and (ii) a right of first refusal for comparable units available in the new housing development that are affordable to the household at an affordable rent.

Approval of the proposed housing development project is subject to a condition of approval requiring the Applicant to provide both (i) relocation benefits to the occupants of protected units and (ii) a right of first refusal for comparable units available in the new housing development that are affordable to the household at an affordable rent. The condition of approval also requires a provision containing this requirement to be included in the Affordable Housing Agreement the Applicant must enter into with the City prior to issuance of a building permit for any structure in the housing development.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 and Government Code § 66300(d)(2).
2. In order to fulfill the purpose and intent of the Municipal Code and Government Code § 66300(d), and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-083-2020.

Adopted this 7th day of May 2020

EXHIBIT "A"

Site Plan No. SP-083-2020

12881 Adelle Street
(Assessor's Parcel No. 133-472-02)

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Mark Tran, 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. Any changes of the Conditions of Approval require approval by the Planning Commission. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
3. Minor modifications to the Site Plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
7. A separate street permit is required for work performed within the public right-of-way.
8. Grading and Street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan showing all existing and proposed facilities. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications.
9. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
11. The new drive approach to the site shall be constructed in accordance with Garden Grove Standard B-120 (option #2).
12. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within and frontage of the development in a manner meeting the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans.
13. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including

- potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
14. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
 15. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters onsite during construction unless an Encroachment Permit is obtained for placement in street.
 16. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
 17. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP

- c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs
18. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502:
- a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash
 - b. Provide solid roof or awning to prevent direct precipitation
 - c. Connection of trash area drains to the municipal storm drain system is prohibited
 - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control
 - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information
 - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures
19. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
20. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:

- a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
21. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
22. Prior to issuance of a grading permit, the applicant submit and obtain approval of a worksite traffic control plan for all the proposed improvements within public right of way, satisfactory to the City Traffic Engineer.
23. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
24. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground the existing southerly utility pole on the property. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.
25. Any required lane closures should occur outside of peak travel periods.
26. Construction vehicles should be parked off traveled roadways in a designated parking.
27. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B or City of Garden Grove Standard Plan B-209. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
28. The applicant shall remove the existing substandard driveway approach, curb, sidewalk and landscaping along Adelle Street and construct street frontage improvements as identified below. All landscape, sidewalk and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer, Street Division and Planning Division.

Adelle Street

- a. A separate street improvement plan shall be prepared and submitted to the engineering division for the proposed improvements within the public right of way, which should also include proposed landscaping and irrigation plans.

- b. Remove the existing substandard driveway on Adelle Street and construct new curb, gutter, landscape and sidewalk.
- c. The new driveway approaches to the site on Adelle Street shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (option #2).
- d. Construct 6-inch curb and gutter replacing the existing driveway approach along the property frontage at 20' from centerline in accordance with City Standard Plan B-114 (Type D-6).
- e. The applicant shall coordinate with Planning and Public Works Street Division before placing any type of tree within public right of way and proposed landscape area.
- f. Remove and replace 5'-10" sidewalk adjacent to the property line and a 5-foot landscape parkway adjacent to the street curb replacing the existing improvements on Adelle Street in accordance with City Standard B-105.
- g. Remove and replace the pavement of the street from the edge of the easterly curb to the edge of proposed westerly gutter along the property frontage per City Standard Plan B-104 and the direction of the City Engineer and Street division.
- h. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Adelle Street with Planning Services Division and Water Division.
- i. Any proposed new landscaping in public right of way shall be approved by Planning Division and maintained by the owner.

Public Works Water Services Division

- 29. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
- 30. Water meters shall be located within the City right-of-way. Individual meters for each unit are allowed. Fire services and large water services 3" and larger, shall be installed by contractor with class A or C-34 license, per City water standards and inspected by approved Public Works inspection.

31. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection, is a large meter for all units is proposed. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
32. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
33. A composite utility site plan shall be part of the water plan approval.
34. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
35. If fire sprinkler system is required, the meter and service for the new lot shall be installed per City Standard B-719, which specifies a residential fire sprinkler connection (RFSC) on the backside of the meter.
36. If separate fire connection is required, service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
37. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
38. Location and number of fire hydrants shall be as required by Water Services Division and Orange County Fire Authority.
39. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
40. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer lateral per lot is allowed.

41. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

Orange County Fire Authority

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

Community and Economic Development Department

Building and Safety Division

43. The project shall comply with the 2019 California Building Standards Code, based on the time of submittal of the construction plans to the City for plan check.
44. The project shall comply with the 2019 California Building Energy Efficiency Standards Code, based on the time of submittal of the construction plans to the City for plan check.
45. Construction plans for the project submitted to the City for plan check shall include a soils report.
46. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.

Planning Services Division

47. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following:
 - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property), within the perimeter of the site and to the centerline of the adjacent streets, shall be installed or relocated underground. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan shall be installed or relocated underground.
 - b. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, within the common areas,

or any parking areas, and shall be screened to the satisfaction of the Community and Economic Development Director.

- c. No roof-mounted mechanical equipment including, but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - d. All ground or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
48. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of drip or microspray system sprinkler heads for water conservation.
 - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box, and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used.
 - c. The applicant, or the property owner shall be responsible for installing and maintaining the landscaping.
 - d. No trees shall be planted closer than five feet (5') from any public right-of-way. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to

- ensure safe sight clearance. All trees planted on the individual private lots, whether for screening the houses from the neighboring lots or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order maintain the trees.
- e. The landscaping treatment along the Adelle Street frontage, including the area designated as public right-of-way, and the front setback areas of each lot, shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees to enhance the appearance of the property. The Community and Economic Development Department, Planning Services Division shall review the type and location of all proposed trees and plant materials.
 - f. The area, located at the northwest corner of the lot adjacent to Unit 4, in front of the guest parking space, shall be landscaped to include a 24-inch box tree, ground covers and shrubs.
 - g. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run off also identified as Low Impact Development provisions, which address water run off. This is to also be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.
 - h. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
 - i. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
49. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Section 8.47.010 as adopted, except that:
- a. Monday through Friday – not before 7:00 a.m. and not after 5:00 p.m.
 - b. Saturday – not before 8:00 a.m. and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
 - c. Sunday and Federal Holidays – no construction shall occur.
50. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, use of solar, low emission water heaters,

and low sodium parking lot lights, shall be required to ensure compliance with Title 24.

51. 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 a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
52. The applicant shall ensure the development implements second floor privacy mitigation measures, where necessary, as required by the Planning Division. Window locations shall take into account the location of adjacent single-family developed properties' recreation areas and amenities. Where conflicts occur, visual intrusion mitigation measures shall be provided, such as the use of clerestory/high windows (minimum six feet to the bottom of the window sill), wing walls, view obscuring window treatments for fixed windows, window alignments, and other acceptable measures, subject to review by the Planning Division.
53. All units shall maintain the ability to park two (2) cars within the garages at all times. Garages shall not be converted to any other use. There shall be no business activities, day care, or garage sales conducted within or from the garages. Parking spaces in the garages shall be made available to the occupants of the unit at all times. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
54. The main drive aisle, along the northerly property line, serves the entire project for vehicular circulation. The applicant shall utilize effective signage, and/or other acceptable means (i.e., a painted/marked red fire lane), to communicate to residents and guests that there shall be no parking in front of garages or anywhere within the drive aisle, except for within the designated guest parking spaces. Additionally, there shall be no long term parking of vehicles in the guest parking spaces nor shall guest parking spaces be reserved for any particular units.
55. The applicant/property owner shall abate all graffiti vandalism within the premises. The property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated

- by the property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
56. Each unit shall be provided with an air conditioning condensing unit so that there are no wall-mounted, window mounted, or roof type air conditioning systems on the building.
 57. All units shall be equipped with a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material. All exterior collection areas shall be located within a screened yard.
 58. Each unit shall have a separate area for storage having a minimum of three hundred (300) cubic feet of private and secure space. This storage may be located within the enclosed garages, provided that it does not interfere with automobile parking.
 59. Enhanced concrete treatment shall be provided at a 20-foot depth within the entry drive from Adelle Street. Concrete treatment and color shall be approved by the Community and Economic Development Department prior to issuance of building permits.
 60. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
 61. All new block walls, and/or retaining wall(s), including existing block walls to remain, shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
 - a. Private interior project walls, with a minimum height of 6 feet, and a maximum height of 7 feet, constructed from decorative masonry block or from wood, shall be constructed along the property line of each lot to provide privacy to each unit. The walls shall maintain a minimum setback of 20 feet from the front property line or a 20 feet setback if located adjacent to any driveway. Any wall located within the front setback area shall be limited to a height of 36-inches.
 - b. The applicant shall work with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and to minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be

placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the applicant shall work with City Staff to address this situation. The Community and Economic Development Director shall be authorized to approve minor alterations the size and/or location of the landscape planter to accommodate the placement of such wall.

62. The applicant shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:
 - a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Services Division, Engineering Division, and Building and Safety Division, the developer shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans, which reflect these Conditions of Approval. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5 feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.
57. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include architectural enhancements such as multi-toned stuccoed exteriors with window and door trim, decorative siding, decorative lighting, decorative paneled front doors, shutters, varied rooflines, and varied color palettes for building exterior elevations and exterior finishes, subject to review and approval by the Planning Division.
58. No security fencing/gate shall be permitted to be installed within the entry of the project, unless a vehicular turn-around area meeting Public Works Engineering Division requirements can be accommodated.

59. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
60. 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 Site Plan No. SP-083-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
61. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.
62. Because two existing residential dwelling units will be demolished in order to construct the proposed project, the provisions of paragraph (2) of subdivision (d) of Government Code section 66300 (SB 330) pertaining to "protected units" apply to the proposed housing development. Therefore, the Applicant shall be subject to the following requirements:
 - a. In order to determine if the two units to be demolished are "protected units" as defined in SB 330, the Applicant shall provide such information determined by the Community and Economic Development Director, in his or her reasonable discretion, to be necessary to verify the income level of the last household in occupancy of each unit. If the income category of the last household in occupancy is not known and/or cannot be verified, it shall be rebuttably presumed that each of the two existing residential dwelling units to be demolished are "protected units" and that lower income renter households occupied both units.
 - b. Pursuant to subparagraph (C) of paragraph (2) of subdivision (d) of Government Code section 66300, the Applicant shall allow existing residents of all "protected units" to occupy their units until six months before the start of construction activities with proper notice.
 - c. Pursuant to subparagraph (D) of paragraph (2) of subdivision (d) of Government Code section 66300, the Applicant shall provide both of the following to the occupants of any "protected units": (i) relocation benefits

to the occupants of those affordable residential rental units, as determined by the City; and (ii) a right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

- d. Pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Government Code section 66300, the Applicant must "replace" all existing "protected units" by providing at least the same number of units of equivalent size, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy as of the date the Applicant submitted a complete application, for a period of 55 years commencing upon issuance of a certificate of occupancy for the project (the "target units"). The Applicant shall at all times during the term of the 55-year affordability period comply with the requirement to rent all target units at an affordable rent as required by State Law. Landlords receive fair market rent from tenants who are recipients of subsidies under Section 8 of the U.S. Housing Act of 1937, which do not qualify as affordable rent for purposes of the target units. If target units are required to be provided, an Affordable Housing Agreement shall be prepared by the City, at the Applicant's expense. The Affordable Housing Agreement shall be approved by the City Council and recorded prior to issuance of a building permit for any structure in the housing development. The Affordable Housing Agreement shall run with the land and bind all future owners and successors in interest. The Affordable Housing Agreement shall include, without limitation, the following:
 - i. Provisions to ensure that the Applicant allows existing residents of all protected units to occupy their units until six months before the start of construction activities with proper notice pursuant to subparagraph (C) of paragraph (2) of subdivision (d) of Government Code section 66300.
 - ii. Provisions to ensure that the Applicant provides relocation benefits as determined by the City and a right of first refusal to occupants of all protected units pursuant to subparagraph (D) of paragraph (2) of subdivision (d) of Government Code section 66300.
 - iii. The total number of units approved for the housing development and the number, location, and level of affordability of target units.
 - iv. Standards for determining affordable rent for the target units.
 - v. The location, unit size in square feet, and number of bedrooms of target units.

- vi. Provisions to ensure affordability for 55 years pursuant to subdivision (d) of Government Code Section 66300 and subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.
 - vii. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
 - viii. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement.
 - ix. Procedures for qualifying tenants and prospective purchasers of target units.
 - x. Any other provisions to ensure implementation and compliance.
 - xi. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
 - xii. Provisions requiring verification of household incomes.
 - xiii. Provisions requiring maintenance of records to demonstrate compliance.
 - xiv. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two-bedroom unit can only house five persons).
63. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Site Plan No. SP-083-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-083-2020 shall expire if the building permits for the project expire.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.5.	SITE LOCATION: Through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street
HEARING DATE: May 7, 2020	GENERAL PLAN: Low Density Residential
CASE NO.: Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112	ZONE: R-1 (Single-Family Residential)
APPLICANT: Vien N. & Anh M. Thai	CEQA DETERMINATION: Exempt Section 15315 – Minor Land Divisions; Section 15303 – New Construction or Conversion of Small Structures
PROPERTY OWNER(S): Same as applicant	APN: 132-467-06

REQUEST:

The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide an existing 15,552 square foot lot, currently vacant, into two (2) parcels. Both Lot 1 and Lot 2 will each have an equal lot size of 7,776 square feet. A new, two-story single-family home will be constructed on each new lot.

BACKGROUND:

The property is a 15,552 square foot through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The property is located in a residential area improved with single-family residences. The property was previously improved with a 1,157 square foot single-family home with a detached accessory structure, constructed in 1909. In May 2019, a demolition permit was issued to remove all existing site improvements. The existing home was not listed as a historical building. The property owner proposes to subdivide the property into two (2) lots in order to construct a single-family home on each lot.

PROJECT STATISTICS:

	Provided	Code Requirement
Net Lot Size Lot 1 Lot 2	7,776 S.F. 7,776 S.F.	7,200 S.F.
Lot Width Lot 1 Lot 2	80'-0" 80'-0"	60'-0"
Lot Coverage Lot 1 Lot 2	3,185 S.F. (40.9%) 3,185 S.F. (40.9 %)	50% Maximum
Setbacks (Lot 1 & 2) Front Rear Sides	20'-0" 19'-6 1/2" 6'-0" & 24'-0"	20'-0" (20% Lot Depth) 19'-5 1/4" 5'-0"
Parking Per Lot (Lot 1 & 2) Enclosed Garage Open Parking Total Parking Spaces	3 3 6	3 3 6
Building Height (Lot 1 & 2)	25'-11 1/2"	35'-0" Maximum

Building Type Summary

Parcel Number	Number of Bedrooms/Baths	Unit Size*
Lot 1	5 Bedrooms, 4 Baths	3,134 S.F.
Lot 2	5 Bedrooms, 4 Baths	3,134 S.F.

*Total living area; garages are not included.

DISCUSSION:

SITE PLAN:

Circulation, Parking, and Unit Design

The project will consist of subdividing a 15,552 square foot lot into two (2) parcels in order to construct a new a single-family home on each lot. Lot 1 will front onto Magnolia Street to the east, and Lot 2 will front onto Mac Murray Street to the west. Both lots will have access from a thirty foot (30'-0") wide drive approach.

The required number of parking spaces for each new single-family home is based on the proposed number of bedrooms. The Municipal Code requires a three-car

garage, and three open parking spaces for a home with five (5) bedrooms. Each new home adheres to these parking requirements of the Municipal Code.

Both parcels will have a lot size of 7,776 square feet. A new two-story, 3,134 square foot single-family home will be constructed on each lot. The single-family homes will each consist of a living room, a family room, a dining room, a kitchen, a breakfast nook, a laundry room, five (5) bedrooms, and four (4) bathrooms. A covered front entry, a loggia in the rear, and a second-floor deck will also be provided for both buildings. An attached three-car garage will be provided for each unit with the required open parking spaces along the respective driveways.

Building Design

The single-family homes are designed in a contemporary Mediterranean style. Each unit's front building elevation incorporates projecting and receding building masses, along with varied rooflines, articulating each building's facade. The buildings' architectural detailing include the use of an entry porch, varied window shapes, multi-pane windows, and decorative trim around the windows and doors to enhance the building. The exterior building materials for each unit will consist of a stucco finish, with rustic brick veneer accents, and concrete roof tile.

The applicant has designed the units to comply with the second-story privacy provision requirements of the R-1 zone by providing windows that will minimize visual intrusion into the adjacent neighbors' private recreation areas. In particular, the second-story windows on the north and south elevations for both units have been designed as clerestory windows. Additionally, the second-story decks are located at the front of the house, orientated toward the respective streets, not toward the neighboring properties. Pursuant to the proposed Conditions of Approval, the Planning Division will review and approve the final design and placement of all second-story windows to ensure privacy compliance.

Street Dedication

As a part of this development, the property owner is required to dedicate a portion of Magnolia Street, for future street-widening purposes. The project requires a dedication of twenty feet (20'-0") of right-of-way along Magnolia Street fronting the property, for an ultimate right-of-way width of fifty feet (50'-0") from the centerline of Magnolia Street. The property owner(s) shall be responsible for the maintenance and upkeep of the existing landscaping in this dedicated portion of the subject property. This dedication has already been factored into the lot sizes, and has no effect on the project meeting the requirements of the Municipal Code.

TENTATIVE PARCEL MAP:

In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Parcel Map No. PM-2020-112 to subdivide the existing property into two (2) lots for the purpose of constructing a single-family home on each lot. The proposed Tentative Parcel Map is in conformance with the City's

General Plan, the City's Subdivision Ordinance, the R-1 zone requirements, and the State's Subdivision Map Act. The parcels comply with the minimum lot size of 7,200 square feet, and minimum lot width of sixty feet (60'-0") in the R-1 zone.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

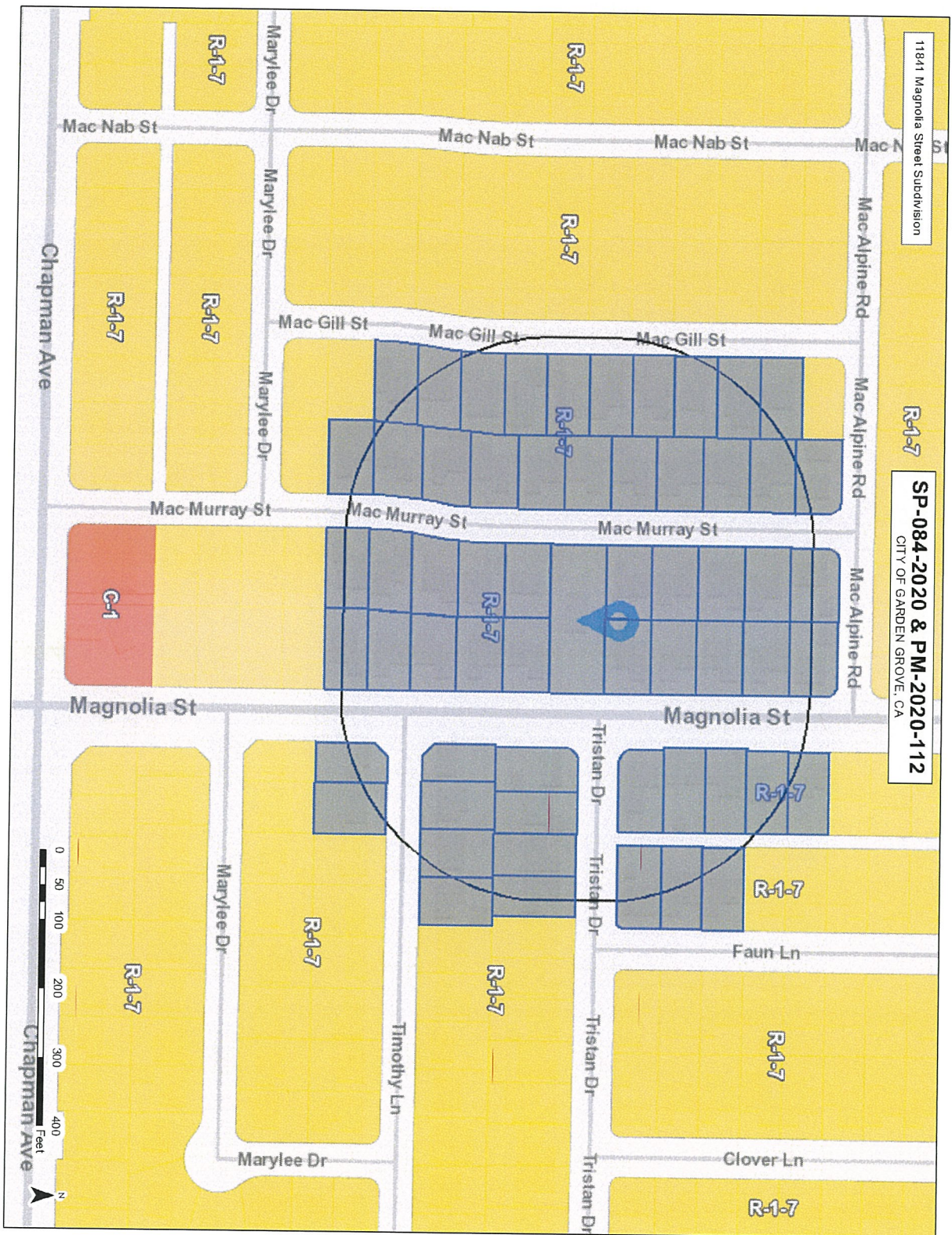
1. Approve Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, subject to the recommended Conditions of Approval.

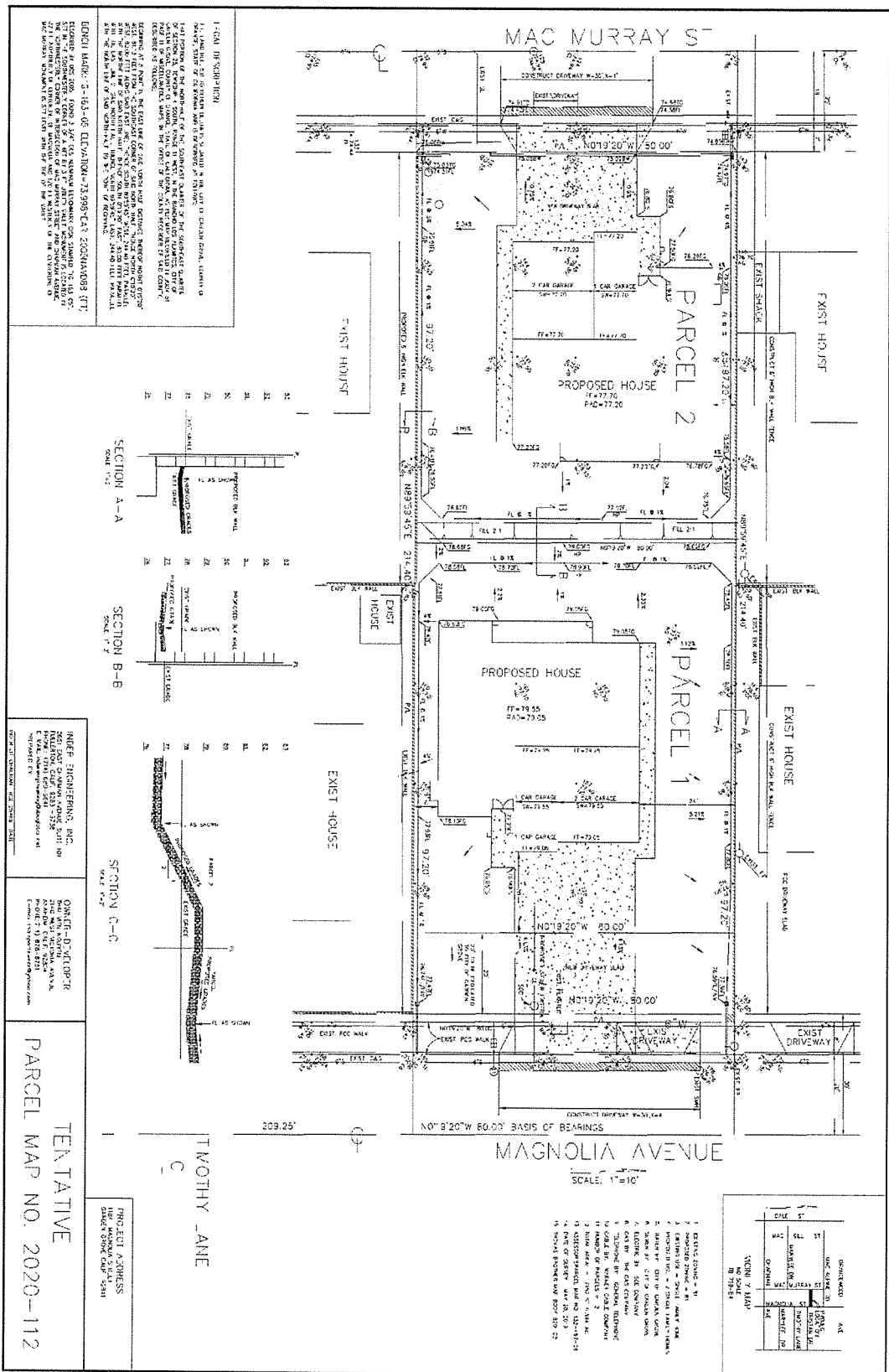


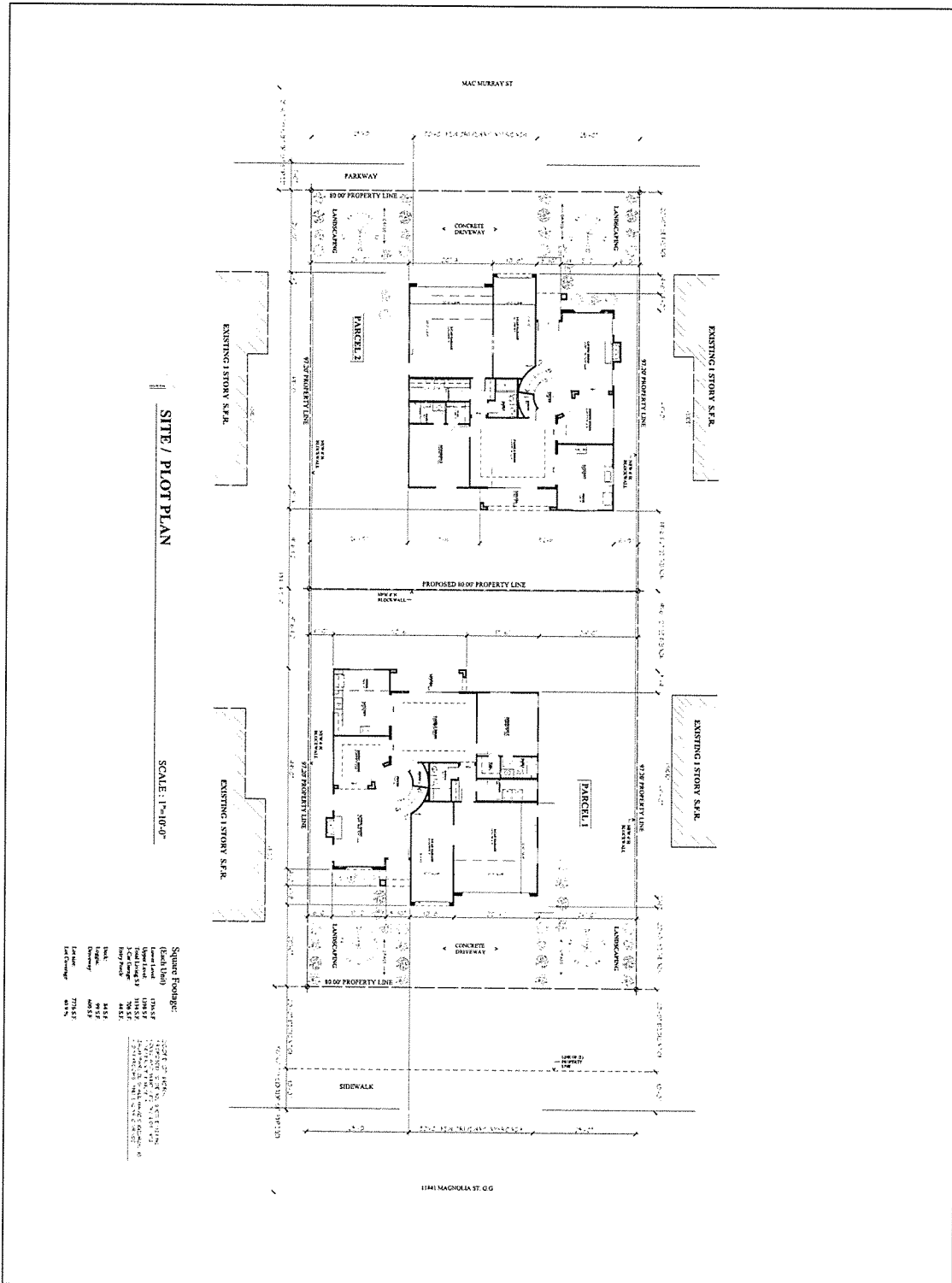
LEE MARINO
Planning Services Manager



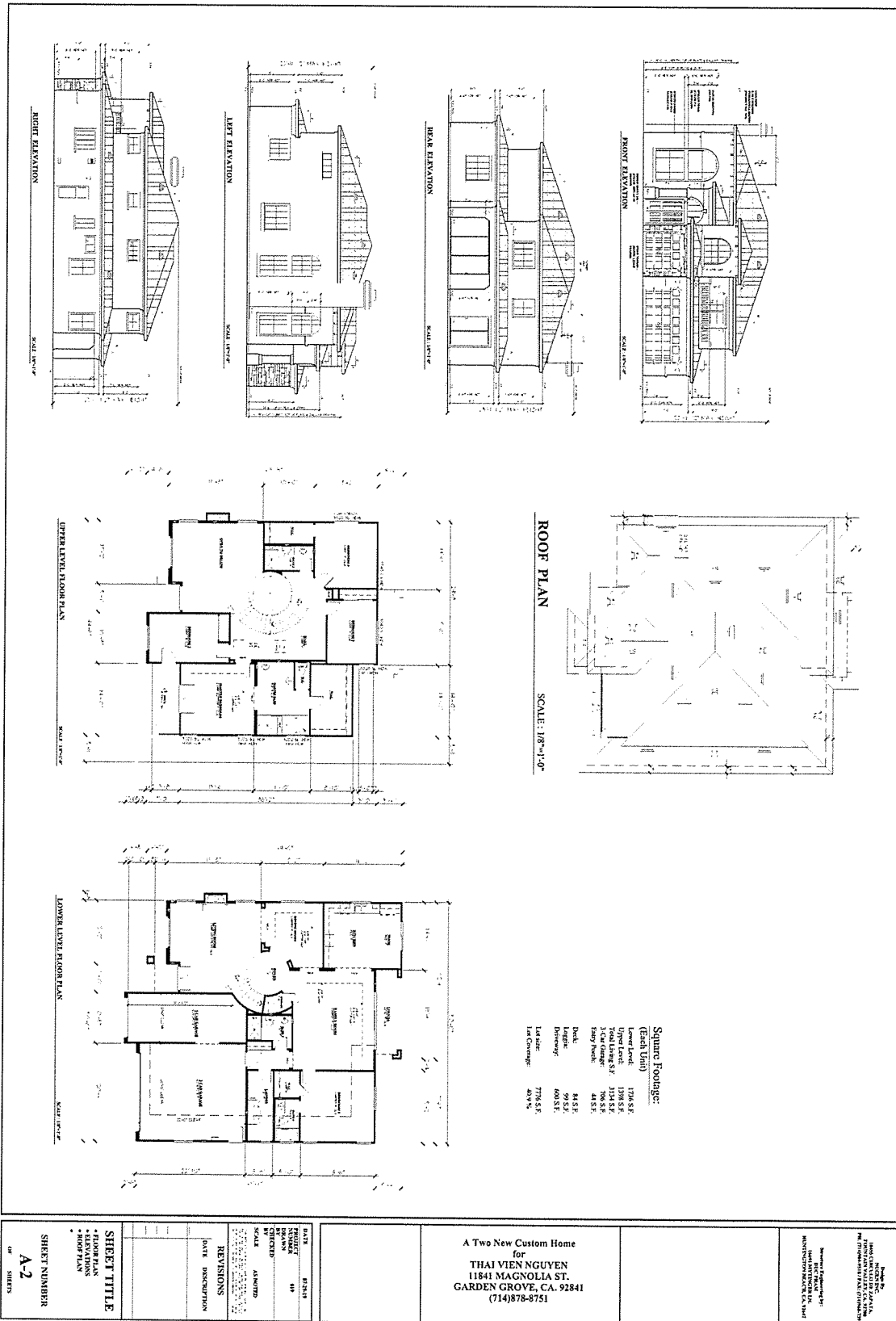
By: Priit Kaskla
Assistant Planner







<p>A Two New Custom Home for THAI VIEN NGUYEN 11841 MAGNOLIA ST. GARDEN GROVE, CA. 92841 (714)878-8751</p>		<p>Project No. 11841 MAGNOLIA ST. CG PM-2020-112 SP-084-2020</p>						
<p>DATE: 8/23/20 DRAWN BY: HJ CHECKED BY: HJ SCALE: AS SHOWN</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION				<p>SHEET TITLE • FLOOR PLANS • DIMENSIONS</p> <p>SHEET NUMBER A-1 OF SHEETS</p>
NO.	DATE	DESCRIPTION						



RESOLUTION NO. 5987-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-084-2020 AND TENTATIVE PARCEL MAP NO. PM-2020-112.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on May 7, 2020, hereby approve Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, for a through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street, Assessor's Parcel No. 132-467-06.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Vien N. and Anh M. Thai.
2. The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide an existing 15,552 square foot lot, currently vacant, into two (2) parcels. Both Lot 1 and Lot 2 will each have an equal lot size of 7,776 square feet. A new, two-story single-family home will be constructed on each new lot.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that this project was categorically exempt from CEQA pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines (14 Cal. Code Regs., Section 15315) and Section 15303 (New Construction or Conversion of Small Structures).
4. The property has a General Plan designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The site is currently vacant with a single-family home that will be demolished to accommodate the proposed subdivision.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 7, 2020, 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 on May 7, 2020; 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 9.04.030 are as follows:

FACTS:

The property is a 15,552 square foot through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property is located in a residential area improved with single-family residences. The property was previously improved with a 1,157 square foot single-family home, with a detached accessory structure, that were demolished in 2019.

Both parcels will have a lot size of 7,776 square feet. A new two-story, 3,134 square foot single-family home will be constructed on each lot. The single-family homes will each consist of a living room, a family room, a dining room, a kitchen, a breakfast nook, a laundry room, five (5) bedrooms, and four (4) bathrooms. A covered front entry, a loggia in the rear, and a second-floor deck will also be provided for both buildings. An attached three-car garage will be provided for each unit with the required open parking spaces along the respective driveways.

The project has been designed to comply with the development standards of the R-1 zone, including setbacks, parking, lot coverage, building height, and the minimum lot size requirements.

FINDINGS AND REASONS:

SITE PLAN

1. The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances.

The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The Low Density Residential designation is intended to create, maintain, and enhance residential areas characterized by detached, single-family homes on a single parcel. The R-1 (Single-Family Residential) zone is intended to provide for the establishment and promotion of single-family detached residences on individual lots and compatible associated activities.

A new two-story, single-family home will be constructed on each lot, subject to the approval of the Site Plan. The proposed project is compatible with the character of the surrounding single-family neighborhood. The project is

designed to comply with the General Plan Land Use Designation, the development standards of the R-1 zone, and all other applicable ordinances. This includes, but is not limited to, compliance with: setbacks, parking, lot coverage, building height, and the minimum lot size requirements of the zone. Lastly, the construction of the homes will further assist the City in meeting all of its housing goals.

2. The proposed development does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access

Lot 1 will front onto Magnolia Street to the east, and Lot 2 will front onto Mac Murray Street to the west. Both lots will be accessed from their own thirty foot (30'-0") wide drive approach. Each new residential home is designed to provide the required enclosed garage and open parking spaces for the R-1 zone. Both new residential units will have a three-car enclosed garage, with three open parking spaces.

The City's Traffic Engineering Section has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to minimize any adverse impacts to surrounding streets.

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels.

The streets in the area are adequate to accommodate the development, once the developer provides the necessary improvements for the project. Required improvements include new driveway approaches, new sidewalks, and a street dedication fronting Magnolia Street.

Existing utilities and drainage channels in the area are adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby improving drainage in the area. New utility services will be provided underground to the maximum extent possible, and all above-ground equipment will be screened.

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

4. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The subject property is located in an area improved with existing single-family residences. The proposed project will be compatible with the surrounding neighborhood. Architecturally, the residential units have been designed with enhanced facades to be aesthetically complimentary with the neighboring properties. A variety of architectural detailing, materials, massing, and rooflines help create visual intrigue.

The project has been designed in accordance with the R-1 (Single-Family Residential) development standards. In particular, each lot will have a single-family home that complies with the development standards of the R-1 zone, including, but not limited to: minimum lot sizes, setbacks, parking, lot coverage, and maximum building height.

The City's Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure physical, functional, and visual compatibility with the surrounding neighborhood.

5. Through the planning and design of buildings and building replacement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The project is designed to comply with the fifty-percent (50%) lot coverage requirement of the R-1 zone, ensuring each parcel maintains the required amount of usable open space. Additionally, the conditions of approval will ensure that the landscaping requirements of the Municipal Code, including the City's Landscape Water Efficiency Guidelines, will be complied with.

TENTATIVE PARCEL MAP

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

The property has a General Plan land use designation of Low Density Residential. The proposed map is consistent with the provisions of the General Plan Low Density Residential land use designation. This designation is intended to create, maintain, and enhance residential areas characterized by detached, single-family homes on a single parcel. The proposed Tentative Parcel Map creates two new lots, with one detached single-family home on each lot. The proposal is consistent with the provisions of the General Plan as the number of lots, and the number of residential units on each lot does not exceed the maximum density of nine (9) units per acre allowed under the Low Density Residential General Plan land use designation.

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

The design and improvement of the proposed map are consistent with the Low Density Residential General Plan land use designation. The creation of a two (2) lot subdivision for the purpose of constructing one single-family home on each lot is consistent with the General Plan. The project complies with the minimum lot size requirement of the R-1 zone. In addition, the configuration of the lots and design of the homes is compatible with the existing residential neighborhood. With the conditions of approval, the design and improvement of the subject site is consistent with the spirit and intent of the General Plan.

3. The site is physically suitable for the type of development and complies with the spirit and intent of the Municipal Code.

The site is adequate in size and shape to accommodate the proposed project. Each new parcel complies with the minimum lot size of 7,200 square feet, the minimum lot width of sixty feet (60'-0"), and all of the other development standards of the R-1 zone. The placement and size of the proposed single-family homes complies with the development standards for the R-1 zone, including, but not limited to: setbacks, parking, lot coverage and open space provisions.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act have been satisfied.

The requirements of the California Environmental Quality Act have been satisfied. The project was determined to be exempt pursuant to Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) of the California Environmental Quality Act.

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

The subject property was previously improved with a single family home that has been demolished to facilitate the proposed subdivision. None of the previous improvements remain on the site currently.

The site is adequate in size and shape to accommodate a two (2) lot subdivision that complies with the minimum lot size and width requirements of the R-1 zone. The proposed design of the residential lot includes the placement of one single-family home on each lot, which complies with the density requirement of the General Plan.

The placement of the new single-family home on each lot complies with the R-1 development standards. The project complies with the minimum parking, open space, setbacks, lot coverage and building height requirements of the R-1 zone.

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

As long as the conditions of approval are adhered to for the life of the project, the design of the subdivision, and the proposed improvements, are not likely to cause serious public health problems. Various City divisions, including the Traffic Division, Water Division, Engineering Division, Police Department, and the Planning Division, and Orange County Fire Authority, have reviewed the proposed development, and have applied conditions of approval to minimize against any potential negative impacts that the project may have on the community. The conditions of approval for on- and off-site improvements will safeguard the public health.

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

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

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

The design of the proposed use, and the subdivision are developed in compliance with the applicable zoning requirements. The design of the subdivision is suitable for the low-density residential project, and complies with the spirit and intent of the General Plan, and the Subdivision Map Act. The project has also been designed to comply with the R-1 development standards, and complies with the minimum lot size, and minimum lot width requirement.

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

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

10. The design, density, and configuration of the subdivision strike a balance between the affect of the subdivision on the housing needs of the region and public service needs. The character of the subdivision is compatible with the design of existing structures, and the lot sizes of the subdivision are substantially compatible with the lot sizes within the general area.

The project has been reviewed in relation to the housing needs and goals of the City, and is compatible with the existing residential projects in the vicinity. The property is located in an area with existing single-family residences. The property is currently unimproved, with a single-family home having been previously demolished. A new, two-story, single-family home, will be constructed on each lot. The subdivision will be compatible with the surrounding area since the lots are designed to comply with the minimum lot size. The project complies with the density requirements of the General Plan, and complies with all applicable R-1 development standards.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Parcel Map possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan) and Section 9.40.060 (Tentative Maps).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112.

Adopted this 7th day of May 2020

EXHIBIT "A"

Site Plan No. SP-084-2020

Tentative Parcel Map No. PM-2020-112

11841 Magnolia Street

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval" as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of building permits.
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, Vien N. and Anh M. Thai, 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. Any changes to the Conditions of Approval require approval by the Planning Commission.
3. Approval of this Site Plan and Tentative Parcel Map shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Engineering Division

6. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of

- said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
7. A separate street permit is required for work performed within the public right-of-way.
 8. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to thirty feet (30'-0") outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan showing all existing and proposed facilities.
 9. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
 10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
 11. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the frontage of the development in a manner meeting the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans.
 12. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site, and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit, in a manner meeting the approval of the City Engineer, in concert with the Orange County Health Department. The report shall make recommendations for pavement design for the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including: potential infiltration alternatives, soil compaction, saturation, permeability, and groundwater levels.
 13. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
 14. In accordance with the Orange County Storm Water Program manual, the applicant, and/or its contractors, shall provide dumpsters onsite during construction, unless an Encroachment Permit is obtained for placement in the street.

15. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
16. Prior to grading or building permit closeout, and/or the issuance of a certificate of use, or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications
 - b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs
17. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502:
 - a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and

- pavements diverted around the area, screened or walled to prevent off-site transport of trash;
 - b. Provide solid roof or awning to prevent direct precipitation;
 - c. Connection of trash area drains to the municipal storm drain system is prohibited;
 - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
 - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
 - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
18. The applicant and their contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner), and benchmarks located within the limits of the project. If any of the above require removal, relocation, or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments, and benchmarks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and their contractor shall also reset the tie monuments where curb, or curb ramps are removed and replaced, or new ramps are installed. The Applicant and their contractor shall be liable for, at their expense, any resurvey required due to their negligence in protecting existing ties, monuments, benchmarks, or any such horizontal and vertical controls.
19. TIES TO HORIZONTAL CONTROL:
- a. Prior to recordation of a final parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor, in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code, and Orange County Subdivision Manual, Sub-Article 18. The surveyor/engineer shall submit record information to the City in an Auto Cad DWG format.

20. DIGITAL MAP SUBMISSION:

- a. Prior to recordation of a final parcel map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code, and Orange County Subdivision Manual, Sub-Article 18. The surveyor/engineer shall submit record information to the City in an Auto Cad DWG format.
21. Prior to issuance of a grading permit, the applicant shall submit to the Engineering Division an updated title report, along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description, and the plat for review and approval of the parcel map.
 22. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards, or designed by a professional registered engineer. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
 23. The applicant shall identify a temporary parking site(s) for the construction crew, and construction trailer office staff, prior to the issuance of a grading permit. No construction parking is allowed on local streets.
 24. Prior to the issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan for all the proposed improvements within public right of way, satisfactory to the City Traffic Engineer.
 25. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
 26. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground any existing utility pole on the property. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.
 27. Any required lane closures should occur outside of peak travel periods.
 28. Construction vehicles should be parked off traveled roadways in a designated parking area(s).

29. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map, and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B or City of Garden Grove Standard Plan B-209. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
30. The applicant shall dedicate twenty feet (20'-0") of right-of-way on Magnolia Street fronting the property for the ultimate right of way width of fifty feet (50'-0") from the centerline of Magnolia Street.
31. The applicant shall remove the existing substandard driveway approach, curb, sidewalk and landscaping along Magnolia Street and Mac Murray Street, and construct street frontage improvements as identified below. All landscape, sidewalk and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer, Street Division, and the Planning Services Division.

Magnolia Street

- a. Remove the existing substandard driveway on Magnolia Street and construct new curb, gutter and sidewalk.
- b. The new driveway approaches to the site on Magnolia Street shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (option #2).
- c. Construct an eight inch (0'-8") curb and gutter replacing the existing driveway approach along the property frontage at thirty feet (30'-0") from centerline in accordance with City Standard Plan B-113 (Type C-8).
- d. The applicant shall coordinate with the Street Division, and Planning Service Division before placing any type of tree within the public right-of-way, and proposed landscape area.
- e. Remove the existing driveway and replace it with a ten foot (10'-0") sidewalk adjacent to the street curb on Magnolia Street in accordance with City Standard B-106.
- f. The applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices to be placed in the sidewalk/landscape area on Magnolia Street with the Planning Services Division, and Water Division.

- g. Any proposed new landscaping in public right of way shall be approved by the Planning Services Division, and maintained by the owner.

Mac Murray Street

- h. Remove the existing substandard driveway on Mac Murray Street, and construct a new curb, gutter, landscaping, and sidewalk.
- i. The new driveway approaches to the site on Mac Murray Street shall be constructed in accordance with City of Garden Grove Standard Plan B-122.
- j. Construct six inch (0'-6") curb and gutter, replacing the existing driveway approach along the property frontage at twenty feet (20'-0") from centerline in accordance with City Standard Plan B-114 (Type D-6).
- k. The applicant shall coordinate with the Street Division, and Planning Service Division before placing any type of tree within the public right-of-way, and proposed landscape area.
- l. Remove the existing driveway, and replace it with a seven foot (7'-0") parkway area.
- m. Remove and replace the pavement of the street from the centerline of Mac Murray Street to the edge of the proposed gutter along the property frontage per City Standard Plan B-104, and the direction of the City Engineer.
- n. The applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices to be placed in the sidewalk/landscape area on Mac Murray Street with the Planning Services Division, and Water Division.
- o. Any proposed new landscaping in public right of way shall be approved by the Planning Services Division, and maintained by the owner.

Public Works Environmental

- 32. The applicant shall comply with all applicable Construction Waste Management Plan (CWMP) requirements.

Water Services Division

- 33. New water service installations two inches (0'-2") and smaller shall be installed by the City of Garden Grove, at the applicant's expense. Installation shall be

- scheduled upon payment of applicable fees, unless otherwise noted. Fire services, and water services three inches (0'-3") and larger shall be installed by the applicant's contractor, per City Standards.
34. Water meters shall be located within the City right-of-way. Fire services and water services three inches (0'-3") and larger shall be installed by a contractor with a Class A or C-34 license, per City water standards, and inspected by an approved Public Works inspection.
 35. It shall be the responsibility of applicant to abandon any existing private water well(s), per Orange County Health Department requirements. Abandonment(s) shall be inspected by an Orange County Health Department inspector, after permits have been obtained.
 36. Any new or existing water valve located within a new concrete driveway or sidewalk construction shall be reconstructed, per City Standard B-753.
 37. The City shall determine if existing water services(s) is/are usable, and meet(s) current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
 38. If required, fire service shall have an above-ground backflow device, with a double-check valve assembly, per City standard B-773. The device shall be tested immediately after installation, and once a year thereafter by a certified backflow device tester, and the results are to be submitted to the Public Works Department, Water Services Division. The device shall be on private property, and is the responsibility of the property owner. The above-ground assembly shall be screened from public view, as required by the Planning Services Division. Contact Water Engineering for additional requirements for plan submittal at (714) 741-5346.
 39. Water meters and boxes shall be installed by the City upon payment of applicable fees, and after a new water system (including water services) passes all bacteriological, and pressure tests.
 40. No permanent structures, trees, or deep-rooted plants shall be placed over sewer or water main.
 41. The location and number of fire hydrants shall be as required by the Water Services Division and Orange County Fire Authority.
 42. The applicant shall install a new sewer lateral, with clean-out, at the right-of-way line. The lateral in the public right-of-way shall be a minimum four inch (0'-4") diameter, extra strength VCP, with wedgelock joints.

43. The applicant shall abandon any existing unused sewer lateral(s) at the public right-of-way, on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug, and encased in concrete. Only one sewer connection per lot is allowed.
44. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of a minimum of twelve inches (1'-0") below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
45. If the water main is exposed during installation of a sewer lateral, a twenty foot (20'-0") section of the water main shall be replaced with twenty feet (20'-0") of PVC C-900 DR-14 class 305 water pipe, size in kind, and centered at the crossing.

Building and Safety Division

46. The project shall comply with the requirements of the 2019 California Building Code, the California Green Building Code, and all California Model Codes.
47. The applicant shall prepare a soils/geotechnical report that includes an evaluation of the effects of liquefaction, and recommended mitigation measures.
48. Each new unit shall provide solar energy systems, as required by the 2019 California Building and Residential Codes.
49. Each new unit shall provide a fire sprinkler system, in accordance with the California Fire Code.
50. Each new unit shall be electric vehicle charging system ready.

Orange County Fire Authority

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

Community and Economic Development Department

52. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following:

53. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan and Tentative Parcel Map, shall be installed or relocated underground.
54. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, and shall be screened to the satisfaction of the Community and Economic Development Director.
55. No roof-mounted mechanical equipment including, but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
56. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
57. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Section 8.47.010 referred to as the county Noise Ordinance as adopted, except that:
 - a. Monday through Friday – not before 7:00 a.m., and not after 5:00 p.m.
 - b. Saturday – not before 8:00 a.m., and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
 - c. Sunday and Federal Holidays – no construction shall occur.
58. The property owner shall comply with the adopted City Noise Ordinance.
59. All landscaping shall be consistent with the landscape requirements of the Landscape Water Efficiency Guidelines (Appendix A), per Title 9 of the Municipal Code. The applicant shall submit a separate and complete Water Efficient Landscape Plan for each property. The water efficient landscape submittals shall include landscape plans, irrigation plans, soils report, grading plans, and all other applicable documentation. The landscape plans shall include type, size, location, and quantity of all plant material. The landscape plans are also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plans. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.

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- b. The plans shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
- c. No trees shall be planted closer than five feet (5'-0") from any public right-of-way. Trees planted within ten feet (10'-0") of any public right of way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance. All trees planted on the individual private lots, whether for screening the houses from the neighboring lots, or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order maintain the trees.
- d. The landscape treatments along Magnolia Street, Mac Murray Street, and the area designated as public rights-of-way, shall incorporate a mixture of ground cover, flowerbeds, and shrubs. The height of the plant material, and any fences located within the front setback areas shall not exceed three feet (3'-0") in height, in order to ensure visibility to the site from the public rights-of-way.
- e. Landscape treatments and irrigation shall be installed within the front, side, and rear setback areas of both properties. The landscaping shall incorporate a mixture of ground cover, flowerbeds, shrubs, and trees. The Community and Economic Development Department shall review the type and location of all proposed trees.
- f. The applicant shall be responsible for all installation and permanent maintenance of all landscaping on the properties. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
- g. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plans in order to ensure proper screening.
- h. The landscape plans shall incorporate and maintain, for the life of the project, means and methods to address water run-off, also identified as Low Impact Development (LID) provisions which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP), and any other water conservation measures applicable to this type of development.

- i. The applicant shall be responsible for installing and maintaining all landscaped areas.
60. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane, or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
 61. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law.
 62. The development is subject to the following stipulations:
 - a. Each property shall maintain the ability to park the required number of vehicles within the required garages at all times. The enclosed garages shall not be converted to any other use.
 - b. There shall be no business activities, day care, or garage sales conducted within or from the enclosed garages.
 - c. Each unit shall have phone jacks and cable-TV outlets in all rooms, with the exception of the laundry area, hallways, and bathrooms.
 - d. Garages shall not be rented or leased separately from the dwelling units and shall not be made unavailable to the occupants of the units.
 - e. Residents shall not park or store vehicles anywhere on the site except within the garage of their dwelling unit. However, the parking spaces in front of the garage doors may be utilized by the residents and guests for temporary parking.
 - f. Trash containers shall be stored within designated storage areas only and not within the garage parking area. The placement of trash containers for pick-up, and the duration of time prior to and after trash collection of those trash containers, is subject to the Garden Grove Sanitary District requirements. The applicant shall provide each individual unit with a trash storage area to accommodate three trash containers. The area for each container shall be a minimum of thirty-eight (3'-2") inches by thirty-eight (3'-2") inches. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.
 - g. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.

This condition shall not be interpreted to prohibit an accessory dwelling unit, or junior accessory dwelling unit, constructed and permitted in accordance with applicable law.

- h. Any addition to the residence, including the construction of any accessory structures, shall comply with the R-1 zone development standards. Room additions and accessory structures shall maintain consistency with the architecture of the house, including building material, design, and roof pitch.
- i. Fences and walls located within the front yard areas, or adjacent to driveways shall not exceed thirty-six inches (3'-0") in height. Wood fencing located adjacent to any street, parking area, or driveway is prohibited. The developer shall work with the Community and Economic Development Department in order to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. The existing fences located along the front setback areas of both lots shall be removed.
- j. The facades of the units shall be designed with sound attenuation features including the use of dual paned windows. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
- k. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than three feet (3'-0") to any property line. The equipment shall only be located in an enclosed rear or side yard, and only if the above distance stipulation is met. If units will not have an air conditioning condensing unit installed, a place shall be designated for the location of such on the property that allows for a ground mounted unit, minimizes noise intrusion to adjacent units, and allows for ease of installation per the distance separation requirements noted immediately above. No wall or window mounted or roof type of air conditioning system is permitted.
- l. All lighting structures/fixtures 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 a ground lighting system. Lighting in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residents.
- m. At no time shall any structure, fireplace, architectural feature, or otherwise, be closer than three feet to any property line. Any roof eaves or similar roof overhangs intruding into the three foot setback

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- requirement, shall comply with the U.B.C. concerning method of construction.
- n. The second floor windows shall, to the extent feasible, be oriented away from the existing single-family homes and/or incorporate view-obscuring measures such as the use of high windows, window alignment, and obscure glass window glazing.
63. As part of the submittal drawings for plan check, the Developer shall submit detailed drawings showing the exterior of all buildings, architectural details, and window and door treatments. The plans shall indicate landscape materials, wall materials, and building materials proposed for the project. Trim shall be provided around all windows and doors. A detail of the trim shall be provided in the construction drawings. The garage doors shall be automatic roll-up type doors. The materials and colors shall be complimentary between the two units.
64. Final Parcel Map No. PM-2020-112 shall be approved by the City recorded by the applicant prior to issuance of building permits for the proposed single-family homes.
65. A seven foot (7'-0") high block wall shall be maintained along the perimeter property lines of each parcel at all times, excluding the front setback area, as measured from the on-site finished grade. All existing block walls shall be modified, as necessary, to comply with the minimum block wall height requirement. The type, texture, and color of the block wall shall be approved by the Planning Services Division, and shall match any existing block wall that will remain.
66. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, and his/her agreement with all conditions of approval.
67. 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 Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112. 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

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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.

68. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112 shall be valid for a period of two years from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-084-2020 shall become null and void if the subject development and construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-084-2020 shall expire if the building permits for the project expire.
69. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, has begun.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.6.	SITE LOCATION: South side of Acacia Avenue between Nutwood Avenue and Joy Street, at 10527 Garden Grove Boulevard
HEARING DATE: May 7, 2020	GENERAL PLAN: Industrial/Residential Mixed Use 2
CASE NO.: Conditional Use Permit No. CUP-186-2020	ZONE: AR (Adaptive Reuse)
APPLICANT: Phase Diagnostics, Inc.	CEQA DETERMINATION: Exempt
PROPERTY OWNER: Hyung S. Kim	APN: 089-081-13

REQUEST:

A request for Conditional Use Permit approval to operate a new "Industry, Standard" use, Phase Diagnostics, Inc., located at 10527 Garden Grove Boulevard (Assessor's Parcel No. 089-081-13).

BACKGROUND:

The subject site is currently improved with a 12,564 square foot industrial building, which is part of an integrated multi-tenant, multi-building (six buildings) business park, Burke Community Center Business Park, with shared drive aisles and shared parking spaces circulated throughout. Each building is comprised of two (2) primary suites (12 total suites), which in some cases are connected. The subject building is located on the northeast corner of the business park. The subject 12,564 square foot building includes two (2) separate suites, 10511 and 10527 Garden Grove Boulevard - 6,264 square feet and 6,300 square feet, respectively. The tenant space (10527 Garden Grove Boulevard) under consideration is 6,300 square feet and is located on the easterly portion of the building.

The subject property is zoned A-R (Adaptive Reuse) and has a General Plan Land Use Designation of Industrial/Residential Mixed Use 2. The specific site/building is adjacent to A-R zoned properties to the north and east, GGMU1 and GGMU3 (Garden Grove Mixed Use 1 and 3) zoned properties, across Garden Grove Boulevard, to the south, and a PUD-106-82 (Residential Planned Unit Development) zoned property to the west, across Nutwood Avenue. The existing surrounding uses, adjacent to the business park, include a residential condominium complex, across Nutwood Street, to the west, industrial uses, across Acacia Avenue, to the north, and the east, and commercial uses, across Garden Grove Boulevard, to the south.

According to business license records, the subject tenant space, 10527 Garden Grove Boulevard, was previously occupied by, and in operation as, an industrial business specializing in research and product development of food products. There is no active business license for the subject tenant space.

DISCUSSION:

The Municipal Code defines an "Industry, Standard" use as the manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of the products and materials. Uses in this classification involve a moderate level of truck or rail traffic and/or limited outdoor storage of products, materials, equipment, or bulk fuel. These uses include food processing and packaging, laundry and dry cleaning plants greater than 5,000 square feet in size, and stonework and concrete products manufacture (excluding concrete ready-mix plants)

Phase Diagnostics is a biotechnology company that specializes in research and development of novel sample preparation and diagnostic technologies and products, including the manufacturing and wholesales of life science research tools. Phase Diagnostics is an international company with current locations in Hong Kong, Suzhou, and China. Phase Diagnostics focuses on developing and commercializing products that address and improve the preparation and detection of biological samples. All manufacturing processes are developed under standard quality management systems, subject to FDA (US Food and Drug Administration) standards, regulatory requirements, and auditing.

Typical product application includes DNA (Deoxyribonucleic acid) analysis for pathogen detection, forensics, or genealogy. Additional applications of DNA analysis, developed by Phase Diagnostics, include liquid biopsy, which monitors the status of cancer by examining circulation tumor DNA in a patient's blood. This technique is enabled by the discovery of small fragments of DNA from human cells that appear in plasma as the cells break down, known as circulating free DNA (cfDNA). Liquid biopsy can be used to identify tumor fragments and the mutations driving their metastatic condition. Other clinical applications that require and utilize cfDNA for analyses include non-invasive prenatal, infectious diseases, and transplant rejection liquid biopsy testing with all molecular diagnostic platforms (i.e., dental tooth decay detection/risk, influenza screening, sexually transmitted disease detection, malaria detection, etc.). Phase Diagnostics researches and develops such life science research tools for manufacturing and wholesales.

The subject tenant under application is a one-story 6,300 square foot industrial space. Based on the applicant's business description, the proposed business activities classify as an "Industry, Standard" use, which, when the subject tenant space exceeds 5,000 square feet gross floor area, requires the approval of a Conditional Use Permit. Therefore, the applicant is requesting Conditional Use Permit approval to operate an "Industry, Standard" use as proposed.

The tenant space will consist of the following areas: administrative offices, research and development laboratory, mechanical room, employee restrooms, and a warehouse and manufacturing area. Phase Diagnostics will operate between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday. Typical workdays will include up to 12 employees at any one time.

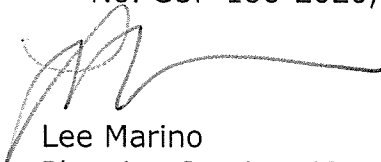
The existing industrial business complex, including the subject building, was developed with adequate parking to accommodate industrial uses at an industrial parking rate. The proposed use is compliant with current parking requirements and does not require any additional parking spaces as the use is considered an industrial use, which is similar to the existing uses on-site, including the prior industrial use of the subject tenant space.

The Community and Economic Development Department has reviewed the request and is supporting the proposal. All appropriate conditions of approval have been incorporated.

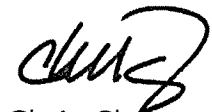
RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

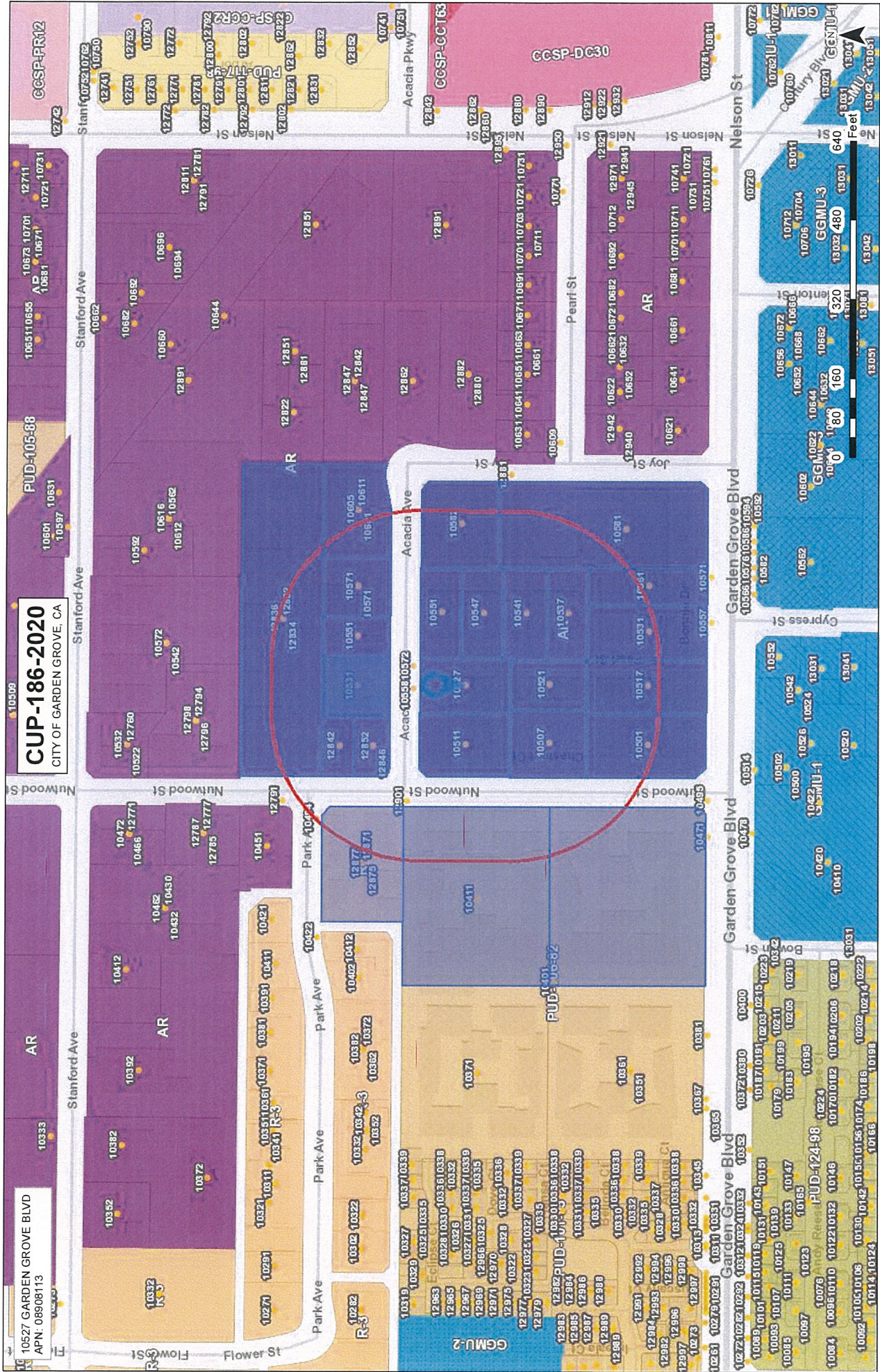
1. Adopt Resolution No. 5988-20 approving Conditional Use Permit No. CUP-186-2020, subject to the recommended Conditions of Approval.



Lee Marino
Planning Services Manager



Chris Chung
Urban Planner



CUP-186-2020
CITY OF GARDEN GROVE, CA

10527 GARDEN GROVE BLVD
APN: 08908113

10527 GARDEN GROVE BLVD
APN: 08908113



FIRE DEPARTMENT NOTES

FIRE DEPARTMENT FINAL INSPECTION REQUIRED.
 SCHEDULE INSPECTIONS 2 DAYS IN ADVANCE CALL (717) 382-1100
 LOCATION AND CLASSIFICATIONS OF FIRE EQUIPMENTS
 SHALL BE DETERMINED BY THE INSPECTOR

STORAGE DISPENSING OR USE OF ANY FLAMMABLE AND COMP.
 LIQUIDS OR GASES IN THE BUILDING SHALL BE IN ACCORDANCE
 WITH ALL APPLICABLE NATIONAL AND LOCAL FIRE
 CODE REGULATIONS

BUILDINGS ARE NOT APPROVED FOR UNLIMITED OCCUPANCY
 UNLESS THEY ARE EXPLICITLY SO DESIGNATED BY THE
 CODES. EXCESSIVE DENSITY OF OCCUPANCY SHALL BE
 PROHIBITED.

THE SPRINKLER SYSTEM AND ALL CONTROLS, INCLUDING
 EXTERIOR SHALL BE APPROVED BY A UL LISTED CENTRAL
 ALARM STATION OR THE L.C. ACT 19

THE SPRINKLER SYSTEM PER ULC STD. 5.11 NFPA STD. 13 SHALL
 BE PROVIDED TO PROTECT ALL BUILDINGS. THE SYSTEM
 SHALL BE DESIGNED TO PROTECT THE BUILDINGS FROM FIRE
 AND TO BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL
 AND STATE FIRE DEPARTMENT REGULATIONS. THE SYSTEM
 SHALL BE PAINTED SAFETY YELLOW.

PLANS OF ALARMS AND FIRE SPRINKLER SYSTEM SHALL BE
 APPROVED BY THE FIRE DEPARTMENT PRIOR TO INSTALLATION.

ACCESS GATES SHALL BE OBTAINABLE WITH FIRE DEPARTMENT MASTER KEY.

SITE NOTES

REFER TO CIVIL ENGINEERING DRAWINGS FOR INFORMATION ON
 PAVEMENT SECTIONS, CURBS AND DRIVE, UTILITY CONDUITS,
 EXISTING UTILITIES AND EXISTING FEATURES, ETC.

DEMOLITION IS TO BE PERFORMED UNDER A SEPARATE
 CONTRACT. CONTRACTOR TO CONTACT OWNER

REFER TO ELECTRICAL SITE PLAN FOR LOCATION OF ALL ELEC.
 UTILITIES. ELECTRICAL PANELS SHALL BE INSTALLED IN
 UNOCCUPIED AREAS. ELECTRICAL PANELS SHALL BE
 GUARDED AS REQUIRED BY ELECTRICAL CODES AS NECESSARY.
 ALL ELECTRICAL UTILITIES SHALL BE IDENTIFIED BY
 COLOR-CODED MARKING AND SHALL BE PROTECTED BY
 THE ELECTRICAL CODES.

ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE
 LOCAL, STATE AND FEDERAL CODES AND REGULATIONS.
 ALL WORK SHALL BE IN ACCORDANCE WITH THE
 PROJECT MANUAL AND SPECIFICATIONS.

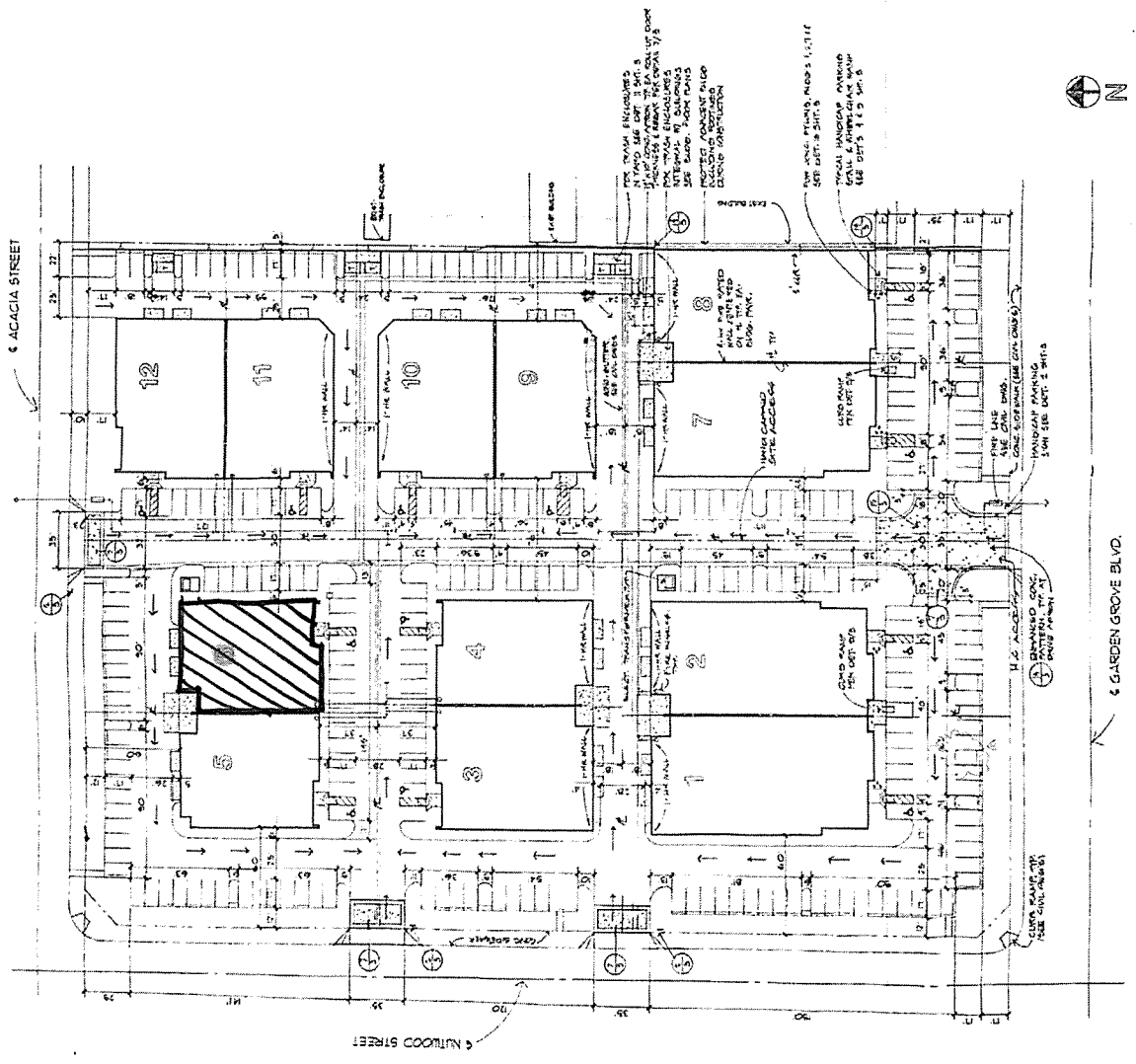
AT EVERY MINUTE INTERVAL ENCLOSED, AT EVERY MAIN TRANSFER
 AREA, PANEL OR DISCONNECT AND AT EVERY MAIN TRANSFER
 OF ELECTRICAL SERVICE, ALL REQUIRED INFORMATION SHALL
 BE PROVIDED TO THE ELECTRICAL CONTRACTOR. THIS
 INFORMATION SHALL BE PROVIDED TO THE ELECTRICAL CONTRACTOR
 IN THE FORM OF A SEPARATE DOCUMENT.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL
 NECESSARY PERMITS AND APPROVALS FOR ALL ELECTRICAL
 WORK AND FOR THE PROTECTION OF ALL UTILITIES.

ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE
 NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE
 LOCAL, STATE AND FEDERAL CODES AND REGULATIONS.

ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE
 PROJECT MANUAL AND SPECIFICATIONS.

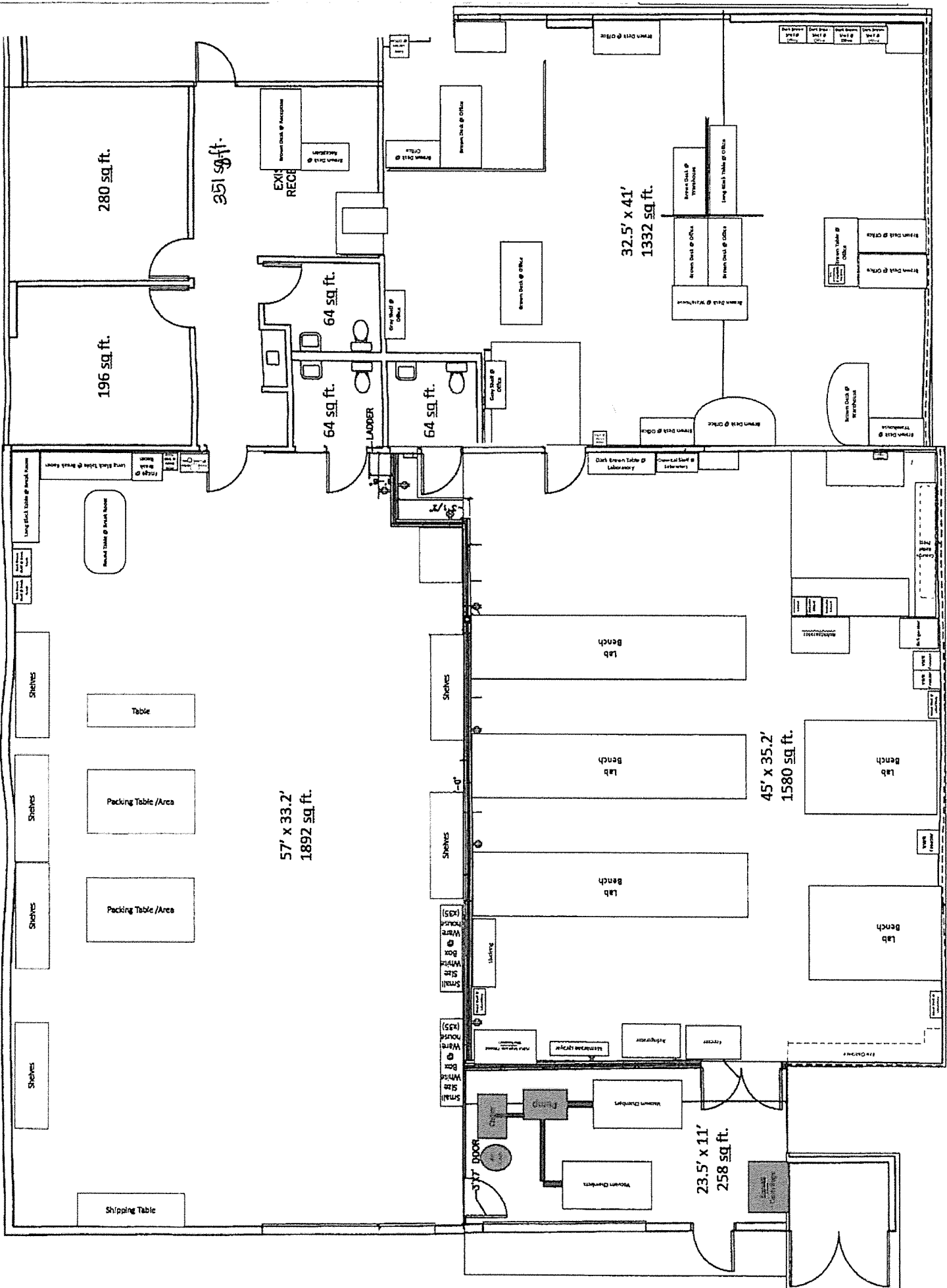
ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE
 PROJECT MANUAL AND SPECIFICATIONS.



GARDEN GROVE BLVD.

ACACIA STREET

NUTWOOD STREET



RESOLUTION NO. 5988-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-186-2020 FOR A 6,300 SQUARE FOOT TENANT SPACE LOCATED AT 10527 GARDEN GROVE BOULEVARD ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NO. 089-081-13.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-186-2020 for the property located on the south side of Acacia Avenue between Nutwood Avenue and Joy Street, at 10527 Garden Grove Boulevard, Assessor's Parcel No. 089-081-13.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-186-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Phase Diagnostics, Inc. (the "Applicant"), with authorization from the property owner, Hyung S. Kim.
2. A request for Conditional Use Permit approval to operate a new "Industry, Standard" use, Phase Diagnostics, Inc., located at 10527 Garden Grove Boulevard (Assessor's Parcel No. 089-081-13).
3. The Planning Commission hereby determines that this project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Article 19, Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section 15301).
4. The property has a General Plan Land Use Designation of Industrial/Residential Mixed Use 2 and is zoned AR (Adaptive Reuse). The subject site is currently improved with a 12,564 square foot industrial building, which is part of an integrated multi-tenant, multi-building (six buildings) business park, Burke Community Center Business Park. Each building is comprised of two (2) primary suites (12 total suites), which in some cases are connected. The subject building is located on the northeast corner of the business park. The subject 12,564 square foot building includes two (2) separate suites, 10511 and 10527 Garden Grove Boulevard - 6,264 square feet and 6,300 square feet, respectively. The tenant space (10527 Garden Grove Boulevard) under consideration is 6,300 square feet and is located on the easterly portion of the building.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on May 7, 2020, and interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter at its meeting on May 7, 2020, 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 9.32.30, are as follows:

FACTS:

The subject site is currently improved with a 12,564 square foot industrial building, which is part of an integrated multi-tenant, multi-building (six buildings) business park, Burke Community Center Business Park, with shared drive aisles and shared parking spaces circulated throughout. Each building is comprised of two (2) primary suites (12 total suites), which in some cases are connected. The subject building is located on the northeast corner of the business park. The subject 12,564 square foot building includes two (2) separate suites, 10511 and 10527 Garden Grove Boulevard - 6,264 square feet and 6,300 square feet, respectively. The tenant space (10527 Garden Grove Boulevard) under consideration is 6,300 square feet and is located on the easterly portion of the building.

The subject property is zoned A-R (Adaptive Reuse) and has a General Plan Land Use Designation of Industrial/Residential Mixed Use 2. The specific site/building is adjacent to A-R zoned properties to the north and east, GGMU1 and GGMU3 (Garden Grove Mixed Use 1 and 3) zoned properties, across Garden Grove Boulevard, to the south, and a PUD-106-82 (Residential Planned Unit Development) zoned property to the west, across Nutwood Avenue. The existing surrounding uses, adjacent to the business park, include a residential condominium complex, across Nutwood Street, to the west, industrial uses, across Acacia Avenue, to the north, and the east, and commercial uses, across Garden Grove Boulevard, to the south.

According to business license records, the subject tenant space, 10527 Garden Grove Boulevard, was previously occupied by, and in operation as, an industrial business specializing in research and product development of food products.

Phase Diagnostics is a biotechnology company that specializes in research and development of novel sample preparation and diagnostic technologies and products, including the manufacturing and wholesales of life science research tools. The subject tenant under application is a one-story 6,300 square foot industrial space. Based on the applicant's business description, the proposed business activities classify as an "Industry, Standard" use, which, when the subject tenant space exceeds 5,000 square feet gross floor area, requires the approval of a Conditional Use Permit.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Industrial/Residential Mixed Use 2, and is zoned AR (Adaptive Reuse). The Industrial/ Residential Mixed Use 2 is intended to allow existing industrial uses to remain and to allow for new uses, such as artist's lofts with a residential component. The AR (Adaptive Reuse) zone implements the Industrial/Residential Mixed Use 2 General Plan Land Use Designation and allows for a mix of work-live, standard and light industrial, technology, creative industry, office, limited entertainment, and complementary uses near the City's civic core.

The Applicant, Phase Diagnostics, Inc., is a biotechnology company that specializes in research and development of novel sample preparation and diagnostic technologies and products, including the manufacturing and wholesales of life science research tools, which is considered a "Standard, Industry" use that requires a Conditional Use Permit. Phase Diagnostics' operation will be compatible with nearby existing uses in the existing industrial business park. All business activities will occur within an enclosed structure and screened from public view. Because the Applicant is proposing to operate an industrial use within an existing industrial space, the proposed use is consistent with the intent of the Industrial/ Residential Mixed Use 2 Land Use Designation. Location of the proposed industrial use within an existing industrial space is also consistent with Goal LU-7 of the General Plan Land Use Element, which provides, "The City values its industrial areas as an important contributor to a well-planned community and for the jobs and economic impacts they provide."

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The proposed use is located in an industrial zone, and in an industrial park with similar industrial type uses. The day-to-day business operations of Phase Diagnostics will remain in an enclosed area, screened from public view, and is overall low impact in nature. The business activities will include research and product development, including manufacturing and wholesales of life science research

tools consumables. Phase Diagnostics will operate between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday, and will be closed on Saturday and Sunday. The proposed hours of operation are consistent with the operating hours for typical industrial type businesses. The conditions of approval will minimize potential impacts to the adjoining area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Additionally, the use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site. The proposed research, development, manufacturing, and wholesales activities are permitted in the AR zone with approval of a Conditional Use Permit. The business activities will be compatible with the surrounding uses provided the business complies with the appropriate codes and regulations set forth in the City's Municipal Code as well as requirements of the Orange County Fire Authority (OCFA), and applicable California Building Codes.

Finally, the use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval will ensure the public health, safety, and welfare. Also, the applicant is required to obtain all necessary building permits to ensure maintaining of public health, safety, and welfare. Therefore, the project will not create a menace to the public health, safety, or welfare provided the Conditions of Approval are adhered to for the life of the project, and all necessary permits are obtained with accompanying inspections (i.e., building and OCFA permits and inspections).

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

The site is improved with a 12,564 square foot building used for industrial manufacturing and warehousing purposes. The City has reviewed the proposed plans associated with the site improvement to ensure that adequate site circulation, parking, and loading area access are maintained.

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

The site is part of an integrated industrial development that is adequately served by one (1) main driveway located on Garden Grove Boulevard, two (2) driveways on Nutwood Avenue, and two (2) driveways on Joy Street.

The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Conditional Use Permit No. CUP-186-2020 does possess characteristics that would indicate justification of the requests in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-186-2020.

EXHIBIT "A"

Conditional Use Permit No. CUP-186-2020

10527 Garden Grove Boulevard

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, Phase Diagnostics, Inc., the current owner of the property, Hyung S. Kim, the future owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 6,300 square foot "Standard, Industry" use/operation that specializes in research and development of novel sample preparation and diagnostic technologies and products, including the manufacturing and wholesales of life science research tools. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

Orange County Fire Authority

6. The applicant shall not store any hazardous materials in any area within the building other than within Orange County Fire Authority approved fire-rated containers.

Building Services Division

7. As necessary, the applicant shall submit plans to the Building and Safety Division for plan check review and obtain any necessary building permits for the proposed "Standard, Industry" research and development, manufacturing, and wholesales operation. All new tenant improvements shall comply with the 2019 CA Building Standards Code (CBC), including compliance with Special requirements based on Use and Occupancy per CBC Chapter 4.
8. The storage and manufacturing portions of the building shall meet the applicable requirements of the 2019 California Building Code, including any requirements by the Orange County Fire Authority, for chemical classification, hazard class, occupancy classification, high-piled storage, occupancy separation, and exiting requirements.
9. The applicant shall ensure the tenant space complies with applicable path-of-travel requirements, as they relate to any new/future alterations, as required per CBC Chapter 11B-202.4.
10. Any fire-rated construction shall comply with 2019 CBC Chapter 7.

Community and Economic Development Department

11. No outside storage or displays shall be permitted at any time.
12. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
13. Hours of operation shall be between 8:00 a.m. to 5:00 p.m., Monday through Friday, and closed on Saturday and Sunday.

14. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
15. All rear doors shall be kept closed at all times during the operation of the licensed premises, except to permit employee ingress and egress, deliveries, and in emergencies.
16. All parking lot areas of the licensed premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lots. The applicant/property owner shall be sure that all parking lot lighting is in proper working order including the rear parking area.
17. Lighting in the parking area of the licensed premises shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences.
18. 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.
19. The trash bin shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
20. The applicant/property owner shall abate all graffiti vandalism within the premises. The property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
21. 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.
22. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of

the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

23. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
24. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
25. 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. Any opaque material applied to the store front, such as window shall count toward the maximum window coverage area.
26. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
27. A copy of Resolution No. 5988-20 approving Conditional Use Permit No. CUP-186-2020 shall be kept on the licensed premises at all times.
28. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-186-2020, and his/her agreement with all conditions of the approval.
29. This Conditional Use Permit may be called for review by City Staff, the City Council, or the Planning Commission for any reason, including if noise or other complaints are filed and verified as valid by the Code Enforcement office or other city department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
30. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by the approval of CUP-186-2020. A copy of CUP-186-2020 shall be made available upon request by City Staff and/or Police Department.

31. 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 CUP-186-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

32. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-186-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.