



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove City Hall – 3rd Floor Training Room
11222 Acacia Parkway

Thursday, October 14, 2021

9:00 a.m.

Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing planning@ggcity.org no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record. Members of the public are asked to consider very carefully before attending this meeting in person and are encouraged to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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

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

All revised or additional documents and writings related to any items on the agenda, which are distributed to the Zoning Administrator within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) in the 3rd Floor Training Room at the time of the meeting.

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

1. PUBLIC HEARING ITEM(S):

a. CONDITIONAL USE PERMIT NO. CUP-211-2021

APPLICANT: Mira Mesa Lanes, LLC
LOCATION: 12141 Valley View Street

REQUEST: To operate a new bowling alley, Valley View Lanes, LLC, with an original Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General) License. The new bowling alley will occupy 13,740 square feet of the former AMF Lanes tenant space. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-212-94, shall be revoked and become null and void. The site is in the Planned Unit Development No. PUD-104-73 (REV. 2018/2020) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

b. CONDITIONAL USE PERMIT NO. CUP-212-2021

APPLICANT: Mathiou and Amber Zaky
LOCATION: 12518 Valley View Street

REQUEST: To operate a new preschool/daycare, Marley's Preschool. The site is in the PUD-102-76 (Planned Unit Development) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

GARDEN GROVE ZONING ADMINISTRATOR MEETING
Garden Grove City Hall – 3rd Floor Training Room
11222 Acacia Parkway, Garden Grove, CA 92840

Meeting Minutes
Thursday, September 23, 2021

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – VARIANCE NO. V-034-2021

Applicant: Holly Hang Nguyen
Location: 13862 Anita Place
Date: September 23, 2021

Request: To deviate from the minimum street setback requirements for the first and second floors of a new 2,084 square foot two-story single-family dwelling unit on a 4,050 square foot lot. The site is in the R-3 (Multiple-Family Residential) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 – New Construction or Conversion of Small Structures – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Holly Hang Nguyen, Duc Huy Nguyen

Action: The Zoning Administrator adopted Decision No. 1806-21.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:09 a.m.

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a	SITE LOCATION: West side of Valley View Street, south of Chapman Avenue at 12141 Valley View Street
HEARING DATE: October 14, 2021	GENERAL PLAN: Light Commercial
CASE NO.: C Conditional Use Permit No. CUP-211-2021	ZONE: Planned Unit Development No. PUD-104-73 (Rev. 2018/ Rev. 2021)
APPLICANT: Mira Mesa Lanes, LLC	CEQA DETERMINATION: Exempt
PROPERTY OWNER: Valley View Cinema Center, LLC	APN: 224-202-17

REQUEST:

The applicant requests approval of a Conditional Use Permit (CUP) to operate a new bowling alley, Valley View Lanes, LLC., with an original Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General) License. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-212-94, shall be revoked and become null and void.

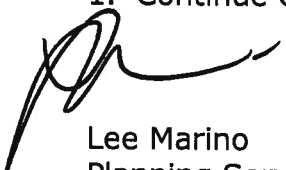
DISCUSSION:

The applicant has requested to continue Conditional Use Permit No. CUP-211-2021 to a date off-calendar. The applicant proposes to introduce an amenity to the bowling alley's operation what was not previous reviewed by City staff. The item will be re-noticed and re-advertised once a hearing date has been selected.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Continue Conditional Use Permit No. CUP-211-2021 to a date off-calendar.



Lee Marino
Planning Services Manager



By: Maria Parra
Senior Planner

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: East side of Valley View Street, south of Lampson Avenue, at 12518 Valley View Street
HEARING DATE: October 14, 2021	GENERAL PLAN: Residential/Commercial Mixed Use 2
CASE NO.: Conditional Use Permit No. CUP-212-2021	ZONE: PUD-102-76 (Planned Unit Development)
APPLICANT: Mathiou and Amber Zaky	CEQA DETERMINATION: Exempt
PROPERTY OWNER: Valley View Village, LLC (c/o Sandra Munson)	APN: 217-064-08, 09, and 11

REQUEST:

A request for Conditional Use Permit approval to operate a new preschool/daycare, Marley's Preschool, located at 12518 Valley View Street (Assessor's Parcel Nos. 217-064-08, 09, and 11).

BACKGROUND:

The subject site is currently improved with an existing multi-tenant commercial shopping center comprised of a primary multi-tenant building and four (4) pad buildings. Existing uses within the shopping center include restaurants, a dry cleaners, a medical office, a hair salon, and other similar commercial uses. The specific tenant space under application is an approximately 4,300 square foot tenant space located in the north end of the primary multi-tenant building. The space was previously in operation as a bank and office space. According to business license records, the tenant space has been vacant since 2013. The rear of the subject tenant space is currently improved with an existing canopy and ATM drive-thru, that existed from the prior bank (financial institution) operation.

The subject site is zoned PUD-102-76 (Planned Unit Development) and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The integrated shopping center is adjacent to C-1 (Neighborhood Commercial) and R-1 (Single-Family Residential) zoned properties to the north, R-1 zoned properties, across Adams Street, to the east, PUD-102-76 zoned properties across Cerulean Avenue, to the south, and C-1 zoned properties, across Valley View Street, to the west. Existing surrounding uses include commercial uses and single-family residential homes.

DISCUSSION:

Marley's Preschool will be a family-owned and operated state-licensed preschool facility servicing the north Orange County area for children ages 2-6. The applicant also owns and operates other existing Marley's Preschool facilities in the cities of Huntington Beach and Seal Beach. The proposed Marley's Preschool in the City of Garden Grove will be their 3rd location. Typical business activities of Marley's Preschool include in-person instruction, free play time, "circle time" (also called group time, refers to a group of children sitting together participating in an activity involving everyone), music, dance, computers, secondary language learning (i.e., Spanish), sign language, arts, and sensory exercises. Breakfast, two (2) snacks, and lunch are prepared and served daily. For the majority of the day, children will spend their time within the indoor activity rooms (instruction areas), in addition to sixty (60) minutes of outdoor play time in the late morning and an additional sixty (60) minutes of outdoor play time in the afternoon.

The interior of the proposed 4,300 square foot preschool tenant space will consist of a front reception area, separate restrooms for customers and employees, three (3) activity rooms (instruction areas), a "flex" activity room, a storage room, and kitchen area. At the rear of the tenant space, a gated 2,760 square foot outdoor playground area will be provided in the general location of the prior bank ATM drive-thru area, which is covered by an existing canopy. The outdoor space will be a secure area with perimeter fencing that will also include a new landscaped planter (with six-inch curb) that will buffer the playground area from the adjacent vehicular drive aisle. The outdoor space will contain age-appropriate play structures and equipment, safety turf, picnic tables, gardens, with partial shade provided by the existing canopy cover.

State laws, administered and regulated by the California Department of Social Services (CDSS), applicable to preschools require a minimum amount of indoor and outdoor activity space. For outdoor activity space, a minimum of 75 square foot per child is required. For indoor activity space, a minimum of 35 square feet per child is required. Marley's Preschool has proposed to operate with a maximum capacity of 79 children. The number of employees is directly related to the number of children enrolled in the facility. Therefore, per State law, the preschool will operate with a minimum of seven (7) employees.

Based on proposed number enrolled children (79), the minimum amount of indoor activity space (35 square feet per child) is 2,765 square feet. Marley's Preschool will provide a total of 2,770 square feet of indoor activity space, meeting the minimum required by CDSS. The minimum amount of outdoor activity space (75 square feet per child) is 5,925 square feet. Marley's Preschool will provide a total of 2,760 square feet of outdoor activity space, which is less than the minimum required. The applicant has coordinated with CDSS to obtain a waiver of the minimum outdoor activity space requirement. To allow the waiver, CDSS requires that no more than thirty (30) children occupy the playground area at any one time. Marley's Preschool will establish a staggered schedule of outdoor play times for all

classrooms to comply with this requirement. As part of the approval of Conditional Use Permit No. CUP-212-2021, a Condition of Approval (Condition No. 27) has been included to specify that the maximum enrollment capacity of 79 children, contemplated and approved under CUP-212-2021, is contingent upon the applicant obtaining final approval and acknowledgement in writing of a waiver from the California Department of Social Services for any indoor or outdoor activity space(s), including any other applicable requirements by CDSS, prior to commencement of operation of the preschool. Provided the applicant has successfully obtained the necessary waiver for indoor and/or outdoor activity space, along with the State license for the preschool facility, the facility is permitted a maximum enrollment capacity of 79 children, as proposed. In the event that the applicant is unable to obtain approval of a waiver from CDSS from any applicable State law requirements, including those related to minimum indoor and/or outdoor activity spaces, that would preclude the proposed maximum enrollment capacity of 79 children, the applicant shall limit the maximum number of children for the preschool, as required and stipulated by the approved state license for the facility. At no time, nor under any circumstance, shall the facility exceed a maximum capacity of 79 children, unless the applicant has obtained necessary approval to modify the existing Conditional Use Permit or obtain approval of a new Conditional Use Permit, as determined by the Community and Economic Development Department and approved by the appropriate hearing body.

Hours of operation are from 7:00 a.m. to 6:00 p.m. Marley's Preschool will implement an expedited pick-up and drop-off system utilizing digital sign in/sign out procedures using Brightwheel, an electronic mobile application software. Anticipated average drop-off time is two (2) minutes, and average pick-up time is three (3) minutes. Marley's Preschool opens at 7:00 a.m. (the earliest time for drop-offs), and instruction begins at 9:00 a.m., which allows for a two-hour window for drop-off in the mornings. Afternoon pick-up times are from 12:30 p.m. to 1:00 p.m. (between lunch and nap time) for non-nappers, and 3:00 p.m. to closing (after nap time). The various windows for pick-up times during the day will be implemented to avoid any potential "afternoon rush" issues.

For preschool/daycare uses, the Municipal Code requires a minimum of one (1) parking space per provider and staff member plus one (1) parking space for every six (6) children. Based on the proposed capacity of 79 children and seven (7) providers/staff members, the proposed preschool requires a minimum of 21 parking spaces. Based on the prior bank (financial institution) use (which included a drive-up ATM), the tenant space had previously required a minimum of 22 parking spaces (1 parking space per 200 square feet of gross floor area). The minimum parking required for the proposed preschool is less than the minimum parking that was previously required for the prior use of the tenant space. Therefore, it is not anticipated that there will be any notable changes that could potentially increase the parking demand in the shopping center. It should be further noted, as part of the project, the applicant is striping one (1) new parking space at the rear of the tenant space, in an area which had previously been used as part of the drive-thru queuing lane for the drive-up ATM.

Staff received a public comment (copy attached) citing concerns that the use would exacerbate nearby traffic congestion; that the proposed daycare use would not be a beneficial asset to the neighborhood; and that the use would not be attractive or be compatible with the existing uses in the surrounding area.

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 Zoning Administrator take the following action:

1. Adopt Decision No. 1807-21 approving Conditional Use Permit No. CUP-212-2021, subject to the recommended Conditions of Approval.



Lee Marino
Planning Services Manager



Chris Chung
Urban Planner

Attachment 1: Public comment dated October 2, 2021

City of Garden Grove Monday, October 4, 2021 at 8:41 AM

Ticket #550530

Status	Open	Name	Jo'an Oldfield
Priority	Normal	Email	gvluv2hm@gmail.com
Department	Planning Help	Phone	
Create Date	10/2/21 1:22 PM	Source	Email
Assigned To	Chris Chung	Help Topic	Planning
SLA Plan	Planning SLA	Last Response	
Due Date	10/7/21 1:22 PM	Last Message	10/2/21 1:22 PM

**Request to operate a new preschool/daycare, Marley's
Preschool on Valley View St.**



10/2/21 1:22 PM Request to operate a new preschool/daycare, Marley's Preschool on Valley View St. Jo'an Oldfield

In regard to Case number: Conditional use permit No. CUP-212-22021
Zone: PUD-102-76

I am totally against this type of facility going in on the property listed (12518 Valley View Street, Garden Grove). I live behind this property, and we already have enough traffic in this area as it is. With people dropping off children, and picking them up, I can envision the traffic jam that would cause, as well as the increased traffic on Valley View as well.

It would be nice to get some new businesses on this property that would be a benefit, and asset to the neighborhood, but a daycare center isn't going to be the type of facility that would be attractive or tie in with other types of businesses that would make that area really nice. Would love to see another nice restaurant replace Coco's...It has been sitting empty for so long.

Thank you for considering my thoughts and comments.

Sincerely,

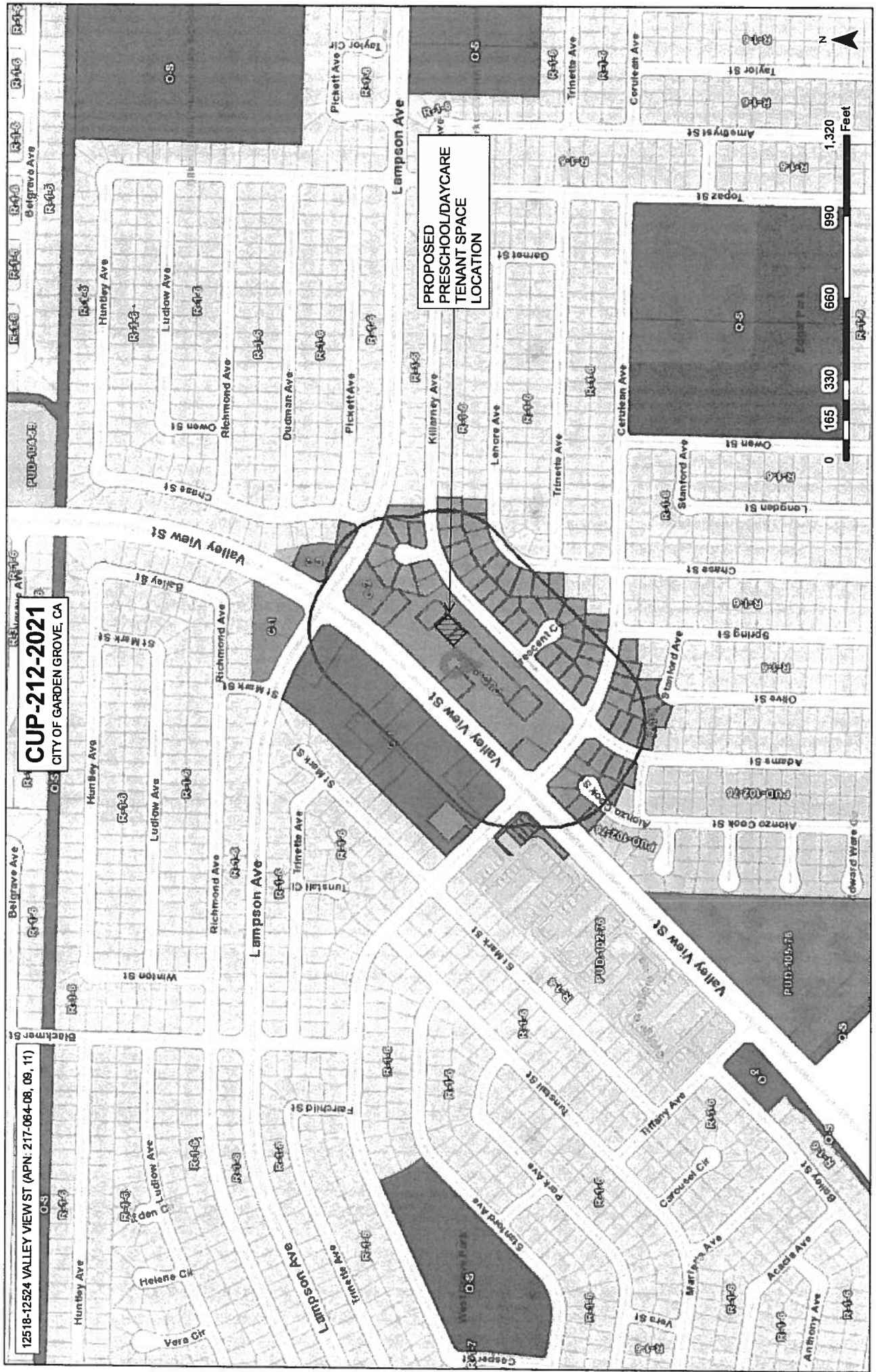
Jo'an Oldfield

5971 Lenore Ave, Garden Grove

12518-12524 VALLEY VIEW ST (APN: 217-064-08, 09, 11)

CUP-212-2021
CITY OF GARDEN GROVE, CA

PROPOSED
PRESCHOOL/DAYCARE
TENANT SPACE
LOCATION



NO.	DATE	REVISIONS

KSTM
Design Studio

360 E 1st St #462
Tustin, CA 92780
Tel: 949-325-5201

DATE 05/03/21

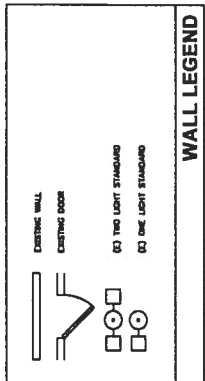
SITE PLAN

West Grove Preschool
12518 Valley View Street & Cerulean Avenue

A 101

MONDAY, JULY 26th, 2021 - REVIEW SET

PROJECT SITE SUMMARY	
SITE AREA	248,360 SQ FT
GROSS	194,028 SQ FT
NET (EXCLUDING G.B.A.)	52,000 SQ FT
GROSS BUILDING AREA (G.B.A.)	3,410,101
RATIO	1.0
NET SITE AREA TO G.B.A.	1.0
AUTO PARKING STALLS	320
TO BE PROVIDED	320
MIN SIZE	8.5' x 18'
MIN SPACING	8' (1) PROVIDED
HANDICAPPED STALLS	4
BUILDING SUMMARY	810 - 102-16
FIRE ZONE	2
OCCUPANCY GROUPS	A-2 (ASSEMBLY) & B (BUSINESS)
FIRE ALARM TYPE	2
BUILDING CODE	2019 CALIFORNIA BUILDING CODE



PARKING REQUIREMENTS	
EXISTING RECORD	NEW
TOTAL SHOP & BUILDING 'A'	NO NEW PARKING
31,000 SQ FT (200' x 110')	NO CHANGE OF USE
110 REQUIRED	
175 STALLS	
BUILDING 'B'	
42,000 SQ FT (100' x 42')	
42 REQUIRED	
42 STALLS	
BUILDING 'C'	
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42 REQUIRED	
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DECISION NO. 1807-21

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-212-2021 TO OPERATE A NEW PRESCHOOL/DAYCARE, MARLEY'S PRESCHOOL, LOCATED ON THE EAST SIDE OF VALLEY VIEW STREET, SOUTH OF LAMPSON AVENUE, AT 12518 VALLEY VIEW STREET, ASSESSOR'S PARCEL NOS. 217-064-08, 09, AND 11.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-212-2021 for the property located on the East side of Valley View Street, south of Lampson Avenue, at 12518 Valley View Street, Assessor's Parcel No. 217-064-08, 09, and 11.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-212-2021, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Mathiou and Amber Zaky, with authorization from the property owner, Valley View Village, LLC.
2. A request for Conditional Use Permit approval to operate a new preschool/daycare, Marley's Preschool, located at 12518 Valley View Street (Assessor's Parcel Nos. 217-064-08, 09, and 11).
3. The Zoning Administrator 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 Residential/Commercial Mixed Use 2 and is zoned PUD-102-76 (Planned Unit Development). The subject site is currently improved with an existing multi-tenant commercial shopping center comprised of a primary multi-tenant building and four (4) pad buildings. Existing uses within the shopping center include restaurants, a dry cleaners, a medical office, a hair salon, and other similar commercial uses. The specific tenant space under application is an approximately 4,300 square foot tenant space located in the north end of the primary multi-tenant 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 October 14, 2021, and interested persons were given an opportunity to be heard.

8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on October 14, 2021, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.32.30, are as follows:

FACTS:

The subject site is currently improved with an existing multi-tenant commercial shopping center comprised of a primary multi-tenant building and four (4) pad buildings. Existing uses within the shopping center include restaurants, a dry cleaners, a medical office, a hair salon, and other similar commercial uses. The specific tenant space under application is an approximately 4,300 square foot tenant space located in the north end of the primary multi-tenant building. The space was previously in operation as a bank and office space. According to business license records, the tenant space has been vacant since 2013. The rear of the subject tenant space is currently improved with an existing canopy and ATM drive-thru, that existed from the prior bank (financial institution) operation.

The subject site is zoned PUD-102-76 (Planned Unit Development) and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The integrated shopping center is adjacent to C-1 (Neighborhood Commercial) and R-1 (Single-Family Residential) zoned properties to the north, R-1 zoned properties, across Adams Street, to the east, PUD-102-76 zoned properties across Cerulean Avenue, to the south, and C-1 zoned properties, across Valley View Street, to the west. Existing surrounding uses include commercial uses and single-family residential homes.

Marley's Preschool will be a family-owned and operated state-licensed preschool facility servicing the north Orange County area for children ages 2-6. Typical business activities of Marley's Preschool include in-person instruction, free play time, "circle time" (also called group time, refers to a group of children sitting together participating in an activity involving everyone), music, dance, computers, secondary language learning (i.e., Spanish), sign language, arts, and sensory exercises.

The interior of the proposed 4,300 square foot preschool tenant space will consist of a front reception area, separate restrooms for customers and employees, three (3) activity rooms (instruction areas), a "flex" activity room, a storage room, and kitchen area. At the rear of the tenant space, a gated 2,760 square foot outdoor playground area will be provided in the general location of the prior bank ATM drive-thru area, which is covered by an existing canopy. The outdoor space will be a secure area with perimeter fencing that will also include a new landscaped planter (with six-inch curb) that will buffer the playground area from the adjacent vehicular

drive aisle. The outdoor space will contain age-appropriate play structures and equipment, safety turf, picnic tables, gardens, with partial shade provided by the existing canopy cover.

Marley's Preschool will abide by all applicable State laws, administered and regulated by the California Department of Social Services (CDSS), and will provide the requisite minimum amount of indoor and outdoor activity space, as determined by CDSS.

Hours of operation are from 7:00 a.m. to 6:00 p.m. Marley's Preschool will implement an expedited pick-up and drop-off system, with a coordinated schedule of pick-up and drop-off times to avoid any potential impacts to on-site parking and/or on- or off-site circulation to the shopping center. Adequate parking in the shopping center is available to accommodate the proposed preschool/daycare operation.

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 Residential/Commercial Mixed Use 2, and is zoned PUD-102-76 (Planned Unit Development), which has a base zone of C-2 (Community Commercial). The Residential/Commercial Mixed Use 2 General Plan Land Use Designation is intended to provide a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments.

Marley's Preschool classifies as a "child day care center", a commercial type use, which the Municipal Code defines as "consistent with Health and Safety Code Section 1596.76, any child day care facility licensed pursuant to Health and Safety Code Section 1596.80 et seq. other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, which provide care, protection and supervision to children, for periods of less than 24 hours per day". A "child day care center" use, which includes preschools, is a conditionally permitted use in the PUD-102-76 zone. The establishment of the proposed preschool use is consistent with the goals and policies of the General Plan, which include:

Policy LU-1.3: To encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations.

The proposed preschool, Marley's Preschool, will provide essential child care services to residents in the community.

Policy LU-2.4: To assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood; and

Goal LU-4: The City seeks to develop uses that are compatible with one another.

A child day care center, which includes a preschool, is a low-intensive use that is compatible with the existing surrounding uses in the area which include other C-1 (Neighborhood Commercial), C-2 (Community Commercial), and R-1 (Single-Family Residential) zoned and developed lots.

Goal LU-5: To achieve economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.

Goal LU-6: Revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City.

Policy LU-6.2: Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of the area's present and potential clientele.

The proposed preschool, Marley's Preschool, will provide essential child care services to residents in the community, while also filling a tenant space vacancy within the existing shopping center, which has been vacant since 2013. The existing shopping center currently includes multiple vacancies. And the proposed preschool will fill a vacant tenant space, supporting efforts to revitalize the shopping center.

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 a commercial zone, on a commercially developed property with similar type uses that are permitted in the PUD-102-76 (Planned Unit Development) zone. The day-to-day business operations of Marley's Preschool will remain in an enclosed building, with an outdoor playground area screened from public view, and is overall low impact in nature. The

outdoor playground area, at the rear of the business, is buffered by parking lot areas and a public street, Adams Street, to the south/southwest with at least 100 feet of distance separation between any adjacent residential uses. Adequate parking is available in the existing shopping center to accommodate the proposed preschool operation. Marley's Preschool will implement an expedited pick-up and drop-off system, with a coordinated schedule of pick-up and drop-off times to avoid any potential impacts to on-site parking and/or on- or off-site circulation to the shopping center. 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 preschool operation is conditionally permitted (requires approval of a Conditional Use Permit) in the PUD-102-76 (Planned Unit Development) zone. The business activities will be compatible with the surrounding uses provided the business complies with all appropriate codes and regulations set forth in the City's Municipal Code as well as requirements of the Orange County Fire Authority (OCFA), applicable California Building Codes, and requirements of State law administered and regulated by the California Department of Social Services (CDSS).

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 maintenance 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, OCFA, and CDSS permits, license, 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 subject site is currently improved with an existing multi-tenant commercial shopping center comprised of a primary multi-tenant building and four (4) pad buildings. Adequate parking is available in the existing shopping center to accommodate the proposed preschool operation. 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 adequately served by four (4) driveways, located off of Valley View Street and Cerulean Avenue. 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 Zoning Administrator incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-212-2021 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-212-2021.

Dated: October 14, 2021

GREG BLODGETT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-212-2021

12518 Valley View Street
(Assessor's Parcel Nos. 217-064-08, 09, and 11)

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, Mathiou and Amber Zaky, the current owner of the property, Valley View Village, LLC, 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 an approximately 4,300 square foot "child day care center" use/operation consistent with Health and Safety Code Section 1596.76, as a preschool/child day care facility licensed pursuant to Health and Safety Code Section 1596.80 et seq., which provides care, protection and supervision to children, for periods of less than 24 hours per day. 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.

Building and Safety Division

6. All work shall comply with the latest Building Standards Code at time of permit application.
7. Tenant improvements shall comply with path-of-travel requirements as specified in CBC Section 11B-202.4.
8. All rooms/spaces/elements shall be made accessible and shall be on an accessible route.
9. Accessible parking stalls and access aisles shall be located on the shortest route to building entrance.
10. An accessible path of travel connecting the public sidewalk to the building entrance shall be provided.
11. Restroom(s) in the reception area shall be made accessible and shall comply with CBC Chapter 11B, Division 6.
12. Playground/play area and minimum number and type of play structures shall comply with accessible route(s) pursuant to CBC Section 11B-206.2.17 and Section 11B-240.
13. Playground/play area shall be provided with an accessible route connected directly to public street/sidewalk.
14. School facilities for kindergarten and Group E daycare shall comply with the provisions of CBC Section 452.
15. Buildings housing Group E occupancies shall front directly on a public street or an exit discharge not less than twenty feet (20'-0") in width. The exit discharge to the public street shall be a minimum 20-foot wide right-of-way, unobstructed and maintained only as access to the public street. At least one required exit shall be located on the public street or on the exit discharge.

16. School grounds may be fenced and gates therein may be equipped with locks, provided that safe dispersal areas based on three (3) square feet per occupant are located between the school and the fence. Such required safe dispersal areas shall not be located less than 50 feet from school buildings.
17. Class I, II, or III-A flammable liquids shall not be placed, stored, or used in Group E occupancies, except in approved quantities as necessary in laboratories and classrooms and for operation and maintenance as set forth in the California Fire Code.
18. Water closets and toilet compartments for children's use shall comply with CBC Section 11B-604.9.
19. Applicant to demonstrate that, based on the Group E occupancy (for daycares), the establishment, and interior spaces provided, is adequate to accommodate the proposed number of persons in the facility (children and employees) at any given time.

Police Department

20. Hours of operation for the preschool/daycare facility shall be permitted from 6:00 a.m. to 7:00 p.m. If problems arise where the hours of operation need to be reduced in order to minimize any problems, the operator shall change the hours of operation, as prescribed by the Police Department.
21. There shall be no customers or patrons loitering in or about the premises during store hours of operation. If the store operators decide to close the store for short periods of time, there shall be no customers or patrons on or about the premises when the establishment is closed.
22. 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

23. No outside storage or displays shall be permitted at any time.
24. All business activities shall be conducted within the wholly enclosed building, except for outdoor play activities within the designated gated outdoor playground area at the rear of the tenant space.

25. The maximum enrollment capacity of 79 children, contemplated and approved under CUP-212-2021, is contingent upon the applicant obtaining final approval and acknowledgement in writing of a waiver from the California Department of Social Services for any indoor or outdoor activity space(s), including any other applicable requirements by CDSS, prior to commencement of operation of the preschool. Provided the applicant has successfully obtained the necessary waiver for indoor and/or outdoor activity space, along with the State license for the preschool facility, the facility is permitted a maximum enrollment capacity of 79 children, as proposed. In the event that the applicant is unable to obtain approval of a waiver from CDSS from any applicable State law requirements, including those related to minimum indoor and/or outdoor activity spaces, that would preclude the proposed maximum enrollment capacity of 79 children, the applicant shall limit the maximum number of children for the preschool, as required and stipulated by the approved state license for the facility. At no time, nor under any circumstance, shall the facility exceed a maximum capacity of 79 children, unless the applicant has obtained necessary approval to modify the existing Conditional Use Permit or obtain approval of a new Conditional Use Permit, as determined by the Community and Economic Development Department and approved by the appropriate hearing body.
26. The Applicant shall ensure there is no dumping and/or storing of products, items, or other, relating to its business operation, on the property or around the subject tenant space. The applicant shall ensure the areas near and around the subject tenant space are free and clear of any products, items, trash/litter, dumped items, or other similar potential nuisances.
27. The applicant shall submit a complete landscape plan governing the new landscaping within the new planter areas along the northerly and easterly perimeters of the gated outdoor activity area, for review and approval by the Community and Economic Development Department prior to building permit issuance. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code, including the City's Water Efficiency Guidelines, as well as recently adopted provisions by the State of California concerning drought tolerant landscape measures. Said plan shall include type, size, location and quality of all plant material. This includes enhanced landscaping for the walkway areas. The plan shall include an irrigation plan, and staking and planting specification. The landscape plan is subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.

- b. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided around each of these equipment/apparatus.
 - c. The applicant shall be responsible for the installation and maintenance of all landscaping within the new planter areas during and after the construction period.
28. The applicant shall ensure its preschool/daycare operation does not cause any nuisances relating to noise, or other issues, to surrounding uses.
29. 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.
30. 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.
31. If, at any time, the subject property cannot accommodate the parking demand generated by the preschool/daycare resulting in a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, the applicant shall devise and implement a plan, prepared by a licensed traffic engineer and approved by the City, to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage the parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility and/or revocation of Conditional Use Permit No. CUP-212-2021.

32. All children drop-off and pick-up shall occur on-site and shall not impact on- or off-site circulation.

33. 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 shall ensure that all parking lot lighting is in proper working order.
34. 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.
35. 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.
36. The trash bin(s) shall be kept inside the trash enclosure(s), and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
37. 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.
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, 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.
40. 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.

41. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
42. 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.
43. 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.
44. A copy of Resolution No. 1807-21 approving Conditional Use Permit No. CUP-212-2021 shall be kept on the licensed premises at all times.
45. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-212-2021, and his/her agreement with all conditions of the approval.
46. 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.
47. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by the approval of CUP-212-2021. A copy of CUP-212-2021 shall be made available upon request by City Staff and/or Police Department.
48. 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-212-2021. 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.

49. 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-212-2021 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.
50. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3502.5, and 3513 of the California Fish and Game regulations, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.

Public Works Water Services Division

51. If needed, new water service installations two inches (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 three inches (3") and larger, shall be installed by developer/owner's contractor per City Standards.
52. Water meters shall be located within the City right-of-way. Fire services and large water services three inches (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.
53. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a 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.
54. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot vertical clearance from water main and appurtenances.

55. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
56. 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.
57. If required, fire 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 Department, 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.
58. 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.
59. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
60. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
61. 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 (1) sewer connection per lot is allowed.
62. If needed, owner shall install new sewer lateral with clean out connecting to existing private sewer system on-site. It is the responsibility of the owner to install appropriate size sewer lateral.
63. Contractor shall abandon any existing unused sewer lateral(s) on the property owner's side in accordance with California Plumbing Code.