

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept: City Manager
Subject: AN APPEAL OF SITE PLAN
NO. SP-433-07 AND CONDITIONAL
USE PERMIT NO. CUP-218-07

From: Susan Emery
Dept: Community Development
Date: December 9, 2008

OBJECTIVE

To consider the appeal of Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 allowing the demolition of an existing 3,147 square foot religious building, and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone located at 5852 Belgrave Avenue.

BACKGROUND

Proposed Project SP-433-07 and CUP-218-07:

The property has a land use designation of Low Density Residential, and is located in the R-1 (Single-Family Residential) zone. The Los Alamitos Congregation of Jehovah's Witnesses has owned and occupied the site since 1974. The applicant proposes to construct a new 4,176 square foot religious building. The property was previously improved with a 3,147 square foot religious building constructed in 1965, but has been recently demolished.

The proposed building will remain one-story in height and will be primarily constructed in the same location as the previous building. The building has been designed to be architecturally compatible with the existing neighborhood.

The site is currently accessed from a 20'-0" public alley located on the west side of the property. The applicant proposes to eliminate the alley access, and to construct a new 25'-0" wide drive approach on Laurelton Avenue to improve access and traffic circulation to and from the site.

A total of 62 parking spaces are required for the proposed project, based on the total number of fixed seats located in the assembly area and for the proposed accessory areas. The project will provide a total of 63 on-site parking spaces.

History of the Project :

This project was originally approved by the Planning Commission on December 6, 2007; however, due to a computer error that resulted in the surrounding property owners not being properly noticed about the project, the residents were unable to express their concerns about the project at the Public Hearing. A second Planning Commission Public Hearing was scheduled on November 6, 2008, to allow the Planning Commission to consider the residents' concerns.

The following is a brief history of the project:

- December 6, 2007: The Planning Commission approved Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 to allow the construction of a 4,176 square foot religious facility for the Los Alamitos Congregation of Jehovah Witnesses.
- May 8, 2008: The Zoning Administrator approved a modification to the Site Plan and Conditional Use Permit to allow the front setback to be reduced from 20'-0" to 18'-9". The minimum required front setback for this zone is 15'-0".
- June 10, 2008: The applicant submitted construction drawings to the Building Services Division for the construction of the new religious facility.
- September 18, 2008: The applicant applied for a demolition permit to demolish the existing structure. The structure has been demolished and the property is currently vacant.

On October 8, 2008, a neighborhood meeting was held, and the residents in attendance expressed concerns about vehicular access, adequate on-site parking to the project, and possible loss of on-street parking.

As a result of determining that those property owners located within the 500-foot notice radius were not properly noticed, the project was scheduled for a second Public Hearing on November 6, 2008.

Planning Commission Meeting:

At the November 6, 2008, Planning Commission meeting, several residents expressed concerns about possible asbestos exposure from the demolition of the building, insufficient on-site parking, the location of the proposed driveway, and construction hours.

Several residents indicated that due to the age of the building, there was a possibility that the building had asbestos, and for verification purposes, the applicant did not provide an asbestos report to the City prior to the demolition of the building. City

staff stated that the applicant obtained a demolition permit from the City, and the applicant certified and declared that a written asbestos notification was not applicable to the project. The residents subsequently filed a complaint with AQMD (Air Quality Management District) about possible asbestos that was released into the air during the demolition process, and AQMD is currently investigating the complaint.

The following are concerns expressed by the residents:

- The project does not provide sufficient on-site parking to accommodate the use, and this would subsequently impact existing on-street parking. City staff stated that the project complies with the parking requirement for a religious facility. The parking deficiencies that exist in the area can be partially attributed to the surrounding apartment developments that were constructed under different development standards, and that the apartment parking provided does not meet today's parking code.
- The proposed driveway, as the proposed location will eliminate existing off-site parking. The applicant stated emergency vehicles cannot maneuver through the alley to access the site, and that congregation members have to wait to access the parking lot. According to the applicant, the new driveway on Laurelton Avenue will improve their access to the site.
- The construction hours for the project, including deliveries being made to the site before 7:00 a.m. The original conditions of approval allowed construction on Sundays and Federal Holidays during the same hours as those for Monday through Saturday (not before 7:00 a.m. and not after 8:00 p.m.), and subject to the Noise Ordinance. The applicant stated that they chose not to perform heavy construction on Sunday so as not to bother the neighbors. The Planning Commission motioned to modify the conditions of approval to include no deliveries before 7:00 a.m. and not after 8:00 p.m., and that no construction will be allowed on Sundays and Federal Holidays.

The Planning Commission voted 4 to 1 approving the project, with Commissioners Bankson, Kirkham, Nugyen and Pak voting to approve the project, and Commissioner Beard voting to deny the project. Commissioner Brietgam recused himself from the item, and Commissioner Pierce was absent.

DISCUSSION

Appeal of the Proposed:

Council Member Broadwater has appealed the Site Plan and Conditional Use Permit application for the City Council to consider the project. In Council Member Broadwater's appeal, he expressed that this case is a matter of public interest and should be decided by the City Council. Council Member Broadwater is requesting that the City Council review the appeal and take the appropriate action.

FINANCIAL IMPACT

No financial impacts are anticipated with this request.

COMMUNITY VISION IMPLEMENTATION

The Community Vision Statement seeks to ensure the compatibility between new and existing developments. The proposed religious building, in design and use, will continue to be compatible with the surrounding area.

RECOMMENDATION

It is recommended that the City Council:

- Uphold the Planning Commission decision approving Site Plan No. SP-433-07 and CUP-218-07, and thereby deny the Appeal of the Site Plan and Conditional Use Permit, as indicated on the attached City Council Resolutions.


SUSAN EMERY
Community Development Director


By: Maria Parra
Urban Planner

Approved for Agenda Listing


Matthew Fertal
City Manager

- Attachment 1: Appeal Form
Attachment 2: Planning Commission Staff Report dated November 6, 2008
Attachment 3: Planning Commission Resolution No. 5662 with Exhibit "A"
Attachment 4: Planning Commission Draft Minute Excerpt of November 6, 2008
Attachment 5: Planning Commission Staff Report dated December 6, 2007 with Resolution No. 5619 and Exhibit "A"
Attachment 6: Zoning Administrator Staff Report dated May 8, 2008 with Decision No. 1546 and Exhibit "A"
Attachment 7: Draft City Council Resolution denying the Appeal of Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07.

A P P E A L

Request for City Council or Planning Commission
Public Hearing

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

2008 NOV 24 P 4: 39

TO: CITY CLERK
CITY OF GARDEN GROVE

Pursuant to Section 9.24.110 of the Municipal Code (see reverse), I hereby appeal the decision of the CIRCLE ONE (Planning Commission / Zoning Administrator) in Case No. See Below, and petition the CIRCLE ONE (City Council / Planning Commission) for a public hearing to consider CIRCLE ONE (approving / denying / modifying) the subject application for the following reasons:

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-433-07

This case is a matter of public interest and should be decided by the City Council.

[Lined area for providing reasons for appeal]

(Use additional sheets if necessary)

Date: November 21, 2008 Appeal Fee (see reverse): -0-

Appellant: [Signature]

Address: Council Member Bruce Broadwater

City & ZIP: City Hall Daytime Phone No.: _____



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.2.	SITE LOCATION: South side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at 5852 Belgrave Avenue
HEARING DATE: November 6, 2008	GENERAL PLAN: Low Density Residential
CASE NOS.: Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07	ZONE: R-1 (Single-Family Residential)
APPLICANT: Los Alamitos Congregation of Jehovah's Witnesses	APN.: 224-243-12
PROPERTY OWNER: Same	CEQA DETERMINATION: Exempt

REQUEST:

The applicant requests approval of a Site Plan and Conditional Use Permit to allow the demolition of an existing 3,147 square foot religious building, and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone.

BACKGROUND:

This project was originally approved by the Planning Commission on December 6, 2007. However, due to a computer error that resulted in the surrounding property owners not being properly noticed about the project, the residents were unable to express their concerns about the project at the Public Hearing. Therefore, a second Public Hearing has been scheduled to allow the Planning Commission to consider the residents concerns as it relates to the proposal.

The following is a brief history of the project:

On December 6, 2007, the Planning Commission approved Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 to allow the construction of a 4,176 square foot religious facility for the Los Alamitos Congregation of Jehovah Witnesses.

On May 8, 2008, the Zoning Administrator approved a modification to the Site Plan and Conditional Use Permit to allow the front setback to be reduced from 20'-0" to 18'-9". The minimum required front setback for this zone is 15'-0".

On June 10, 2008, the applicant submitted construction drawings to the Building Services Division for the construction of the new religious facility.

On September 18, 2008, the applicant applied for a demolition permit to demolish the existing structure. The structure has been demolished and the property is currently vacant.

On October 8, 2008, a neighborhood meeting was held, and the residents in attendance expressed concerns about vehicular access, adequate on-site parking to the project, and possibly loss of on-street parking.

As a result of determining that those property owners located within the 500 foot notice radius were not properly noticed, thereby not having the opportunity to express concerns that were not originally addressed at the December 6, 2007 Public Hearing, the project has been rescheduled for a new Public Hearing.

The project has been properly re-noticed and re-advertised.

DISCUSSION:

The Los Alamitos Congregation of Jehovah's Witnesses has owned and occupied the site since 1974. The building was originally constructed in 1965, but was recently demolished. The proposed religious building will increase in size by 1,029 square feet, from 3,147 square feet to 4,176 square feet.

The applicant has indicated that the proposed building will better serve the activities of the congregation, and will also provide adequate ADA (Americans with Disabilities Act) access. As indicated by the applicant, an increase to the size of the congregation is not anticipated.

The Los Alamitos Congregation of Jehovah's Witnesses currently has three (3) congregation groups that offer service in French, Spanish, and English.

During the week, group meetings are typically held on Tuesdays for the French speakers, Wednesday for the Spanish speakers and Thursdays for the English speakers beginning at 7:30 p.m. and ending at 9:00 p.m. On Sundays, each group conducts a service in their respective language at different time intervals. The site is used on Sundays from 9:30 a.m. to 5:00 p.m.

The proposed building will continue to remain one-story in height, and will be primarily constructed in the same location as the former building. The building has been designed to be architecturally compatible with the existing neighborhood.

Vehicular Access:

The site's parking lot is currently accessed from a 20'-0" public alley located on the west side of the property. The alley is also used to access the Montessori Greenhouse School located south of the project site at 5856 Belgrave Avenue.

In order to improve vehicular circulation on and off the site, the applicant proposes to eliminate the alley access, and proposes to construct a new 25'-0" wide drive approach on Laurelton Avenue. The proposed driveway will help to improve traffic circulation to the site since the new driveway will be designed to comply with the City's 25'-0" wide standard for a two-way drive aisle. The new driveway location will enable congregation members to enter and exit the site with less difficulty than that provided by the alley access.

At the neighborhood meeting, residents indicated that the proposed drive approach on Laurelton Avenue would eliminate existing on-street parking. Staff has determined that although possibly two on-street parking spaces will be eliminated to accommodate the new drive approach, sufficient on-street parking will continue to be available to accommodate overflow parking for the surrounding residential uses. By providing direct vehicular access to the site from Laurelton Avenue, it will encourage congregation members to park on-site as it will be easier to enter and exit the site. Also, staff has included a condition of approval that stipulates, that as a means of being courteous, the applicant is required to remind congregation members to park on-site.

On-Site Parking:

At the neighborhood meeting, residents raised concerns about adequate on-site parking. The project has been designed to provide the required number of on-site parking spaces. A total of 62 parking spaces are required for the project based on the total number of fixed seats located in the assembly area and the proposed accessory areas. The project will provide a total of 63 on-site parking spaces.

The original site plan that was approved by the Planning Commission indicated that 64 on-site parking spaces would be provided; however, during the plan check review process, a parking space was eliminated in order to accommodate additional handicap parking spaces. Nevertheless, the project continues to comply with the Municipal Code parking requirement.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, subject to the recommended conditions of approval.



Karl Hill
Planning Services Manager



By: Maria Parra
Urban Planner

- Attachment 1: Planning Commission Staff Report dated December 6, 2007 with approved Resolution No. 5619 and Exhibit "A"
- Attachment 2: Zoning Administrator Staff Report dated May 8, 2008 with approved Decision No. 1546 and Exhibit "A"

WILLIAM DOWLING
ARCHITECT
907 ISLAND AVE
WILMINGTON CA
510 528-8856

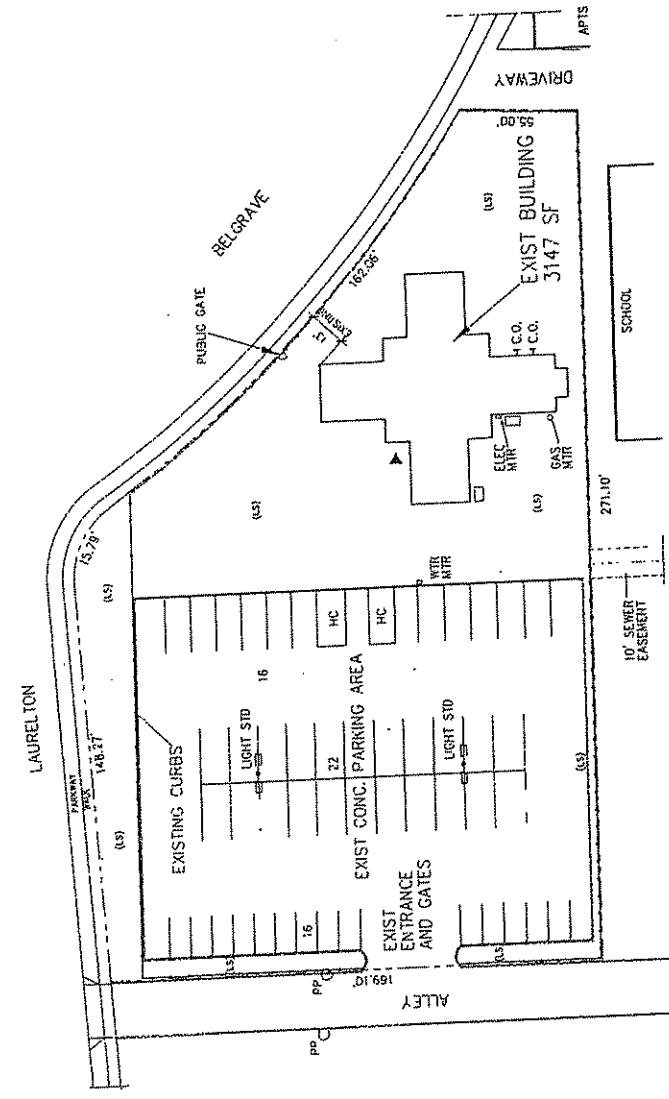


REGION 9 DESIGN GROUP
2518 W. 157th STREET
CAROLINA CA 90249
310.612.4574
Edward Santacruz

NO.	DATE	BY	DESCRIPTION

LOS ALAMITOS KINGDOM HALL
OF JEHOVAH'S WITNESSES
5852 BELGRAVE AVE
GARDEN GROVE CA 92845

DATE: 8-01-07
SHEET NO.: C-1
SHEET OF: 10

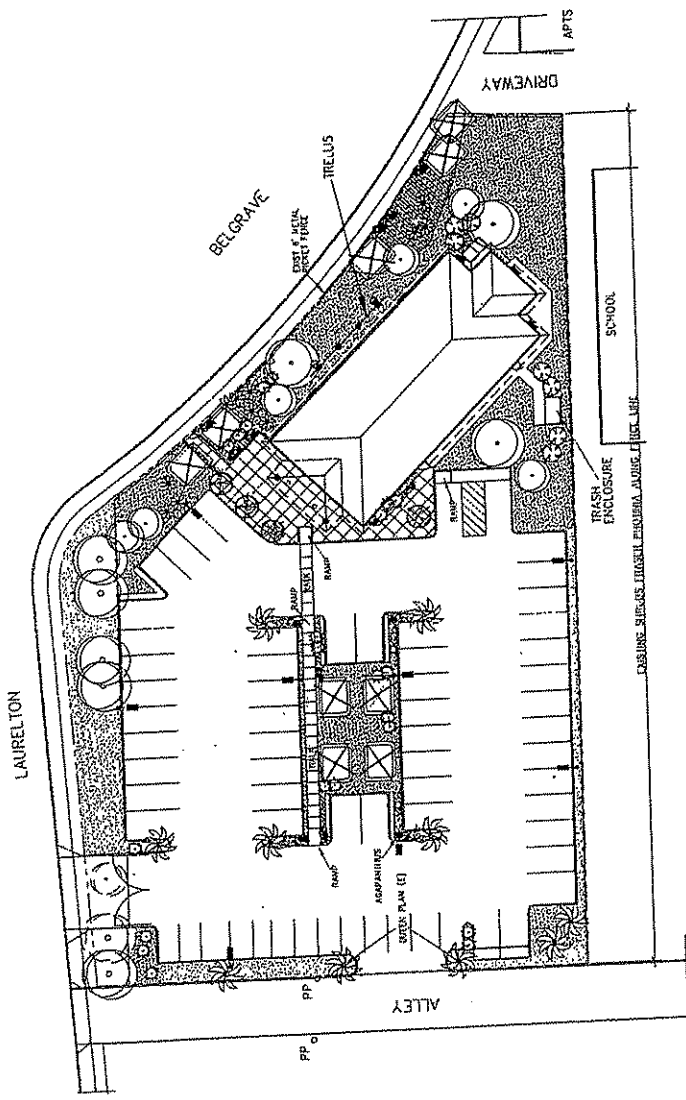


EXISTING SITE PLAN
1" = 20'

- LEGEND
- PROPERTY LINE
 - - - - - CASING & CONC. CURB
 - ==== EXISTING SPECIAL POCKET FENCE
 - ▲ MAIN BUS ENTRY
 - (LS) EXISTING LANDSCAPING AREA
 - +□ UTILITY SIGNAGE



DATE	DESCRIPTION



LANDSCAPE PLAN
 1" = 20'

- NOTE: RAMP = 6" CURB RAMP
 ■ LIGHT STANDARDS @ 25' ABOVE GRADE AND
 ■/ HOUSE SIDE SHIELD WHERE RESIDENCES OCCUR
 — WALL MOUNTED LIGHT FIXTURE @ 9' ± ABOVE GRADE
 ○ ENTRY SOFT DOWN LIGHT @ 8' ABOVE GRADE

- PLANT LEGEND**
- TREES**
 ○ EXISTING TREE TO BE REMOVED
 ○ EXISTING TREE TO REMAIN
 ○ GREEN TREE (Mature) - *Parsonsia*
 ○ GREEN PALM (RESISTANT TO FIRE) - *Washingtonia*
 ○ VARIOUS SMALL TREES (Mature) - *Quercus*
 ○ SPARGANNO PEAR (Mature) - *Quercus*
 ○ MONSIEUR PEAR (Mature) - *Quercus*
 ○ MONSIEUR PEAR (Mature) - *Quercus*
 ○ MONSIEUR PEAR (Mature) - *Quercus*
- SHRUBS**
 ○ REDONCILLON (Mature) - *Quercus*
 ○ BURNING BUSH (Mature) - *Quercus*
 ○ MAGNOLIA (Mature) - *Quercus*
 ○ SWEET WOODRUFF (Mature) - *Quercus*
 ○ SWEET WOODRUFF (Mature) - *Quercus*
- FLOWER**
 ○ LAY OF THE WALL - *Ataphora*
- VINE**
 ○ CLOVERING ROSE - *Rosa*
- GROUND COVER**
 ○ JANT DUNING
 ○ FLECKED HAZELBUSH - *Osage*
- TRUCKS OFFICE & JURY**
 ○ *Quercus*

WILLIAM DOWLING
ARCHITECT
907 ISLAND AVE
WILMINGTON, CA
310 528-8858



REGION 9 DESIGN GROUP
2518 W. 157TH STREET
GARDENA, CA 90249
ED: Jonathan Cruz
310.612.4574

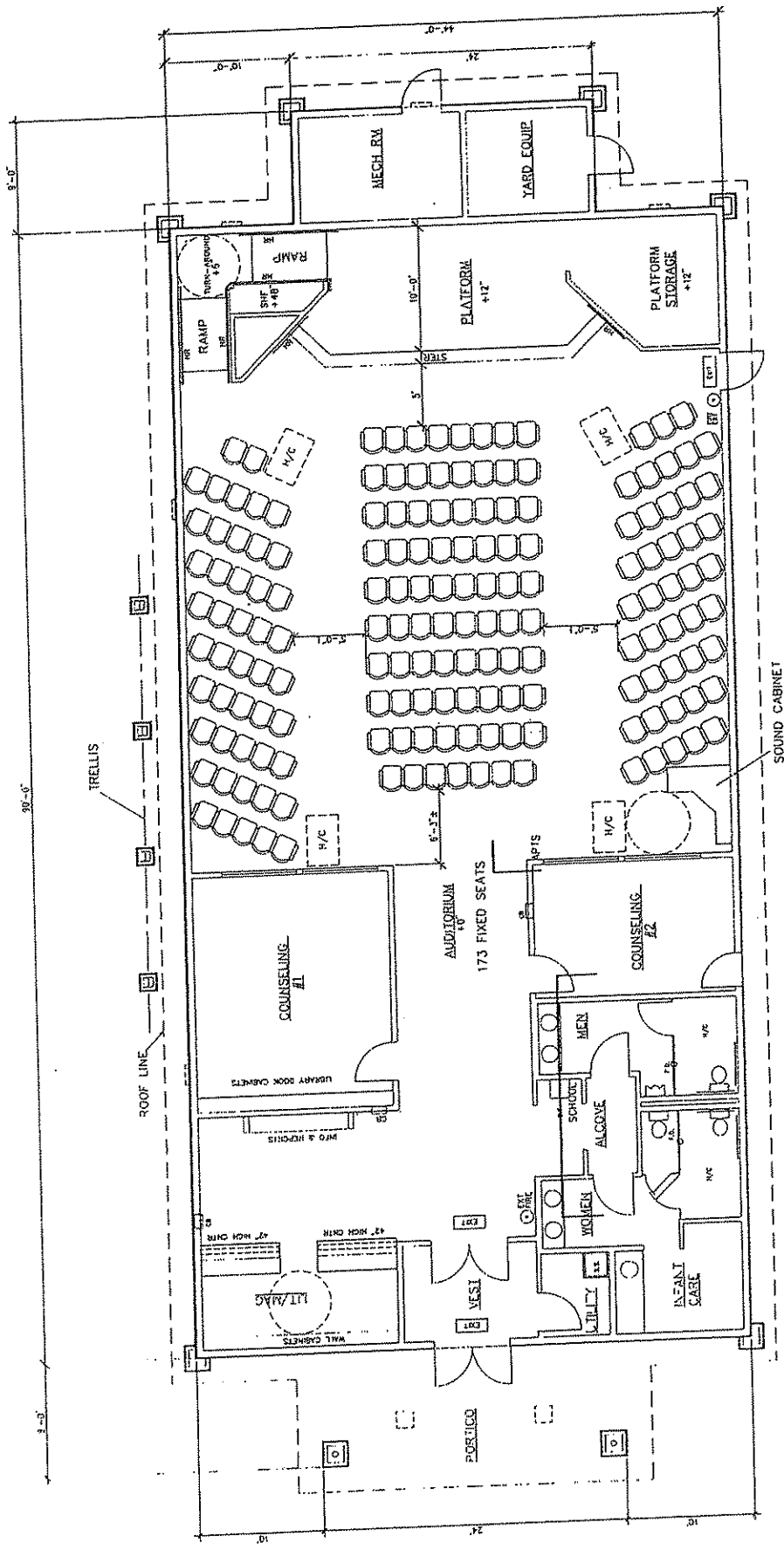
REV.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

LOS ALAMITOS KINGDOM HALL
OF JEHOVAH'S WITNESSES
5852 BELGRAVE AVE
GARDEN GROVE, CA 92845

DATE: 8-01-07
SHEET No.:

A-1

SHEET 07



FLOOR PLAN
1/4" = 1'-0"

LOS ALAMITOS KINGDOM HALL
OF LEHOVAH'S WITNESSES
3522 BELGRAVE AVE
GARDEN GROVE CA 92645

REGION 4 DESIGN GROUP
2318 N 15TH STREET
GARDENA CA 90244
EDWARD SANCHEZ



WILLIAM DOWLING
ARCHITECT
1407 ISLAND AVE
MILPITAS CA
95035-2856

TOTAL LIGHTING CONCEPTS
7315 SAN BERNARDINO DRIVE, CA 91772
PH: 951.881.1111 FAX: 951.881.1100 WWW.TLC.COM

Kingdom Hall Los Alamitos

CLIENT: XXX

SCALE: FEET FILE: DC Isolelark 01.dwg

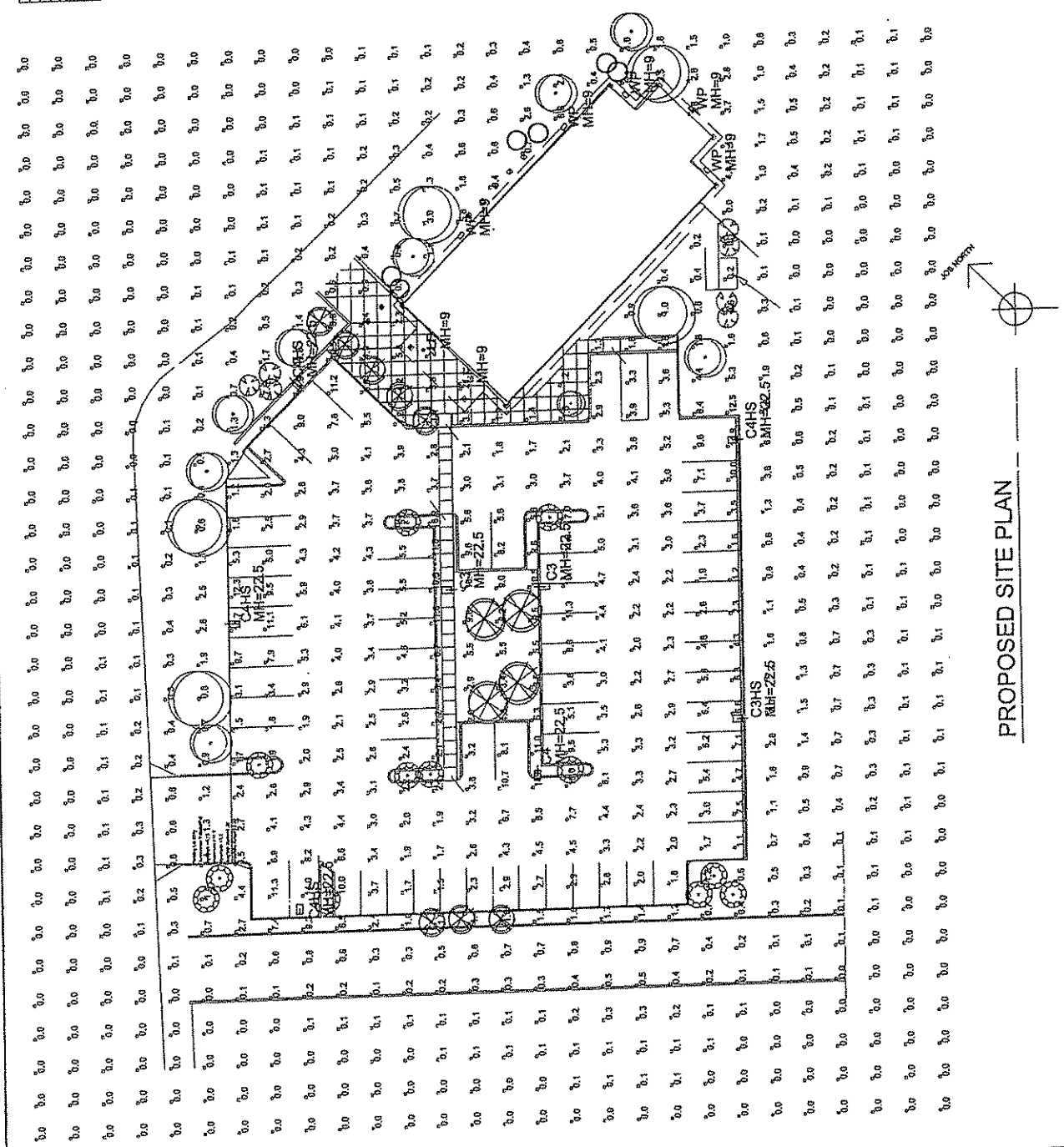
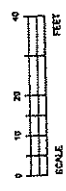
DATE: 07/31/2007 SALES PERSON: Karl Bonnell

THESE DRAWINGS ARE FOR CONCEPTUAL USE ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION OR PERMITS.
ALL DATA IS BASED ON THE INFORMATION PROVIDED.
DATA SUPPLIED BY CLIENT, FIELD SURVEY AND TESTING LABS.

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE	1	CU YD	100.00	100.00
2	CEMENT	1	TON	100.00	100.00
3	STEEL	1	TON	100.00	100.00
4	BRICK	1	1000	100.00	100.00
5	GLASS	1	SQ FT	100.00	100.00
6	PAINT	1	1000	100.00	100.00
7	ROOFING	1	SQ FT	100.00	100.00
8	MECHANICAL	1	UNIT	100.00	100.00
9	ELECTRICAL	1	UNIT	100.00	100.00
10	PLUMBING	1	UNIT	100.00	100.00
11	LANDSCAPE	1	UNIT	100.00	100.00
12	INTERIOR	1	UNIT	100.00	100.00
13	EXTERIOR	1	UNIT	100.00	100.00
14	MECHANICAL	1	UNIT	100.00	100.00
15	ELECTRICAL	1	UNIT	100.00	100.00
16	PLUMBING	1	UNIT	100.00	100.00
17	LANDSCAPE	1	UNIT	100.00	100.00
18	INTERIOR	1	UNIT	100.00	100.00
19	EXTERIOR	1	UNIT	100.00	100.00
20	MECHANICAL	1	UNIT	100.00	100.00
21	ELECTRICAL	1	UNIT	100.00	100.00
22	PLUMBING	1	UNIT	100.00	100.00
23	LANDSCAPE	1	UNIT	100.00	100.00
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25	EXTERIOR	1	UNIT	100.00	100.00

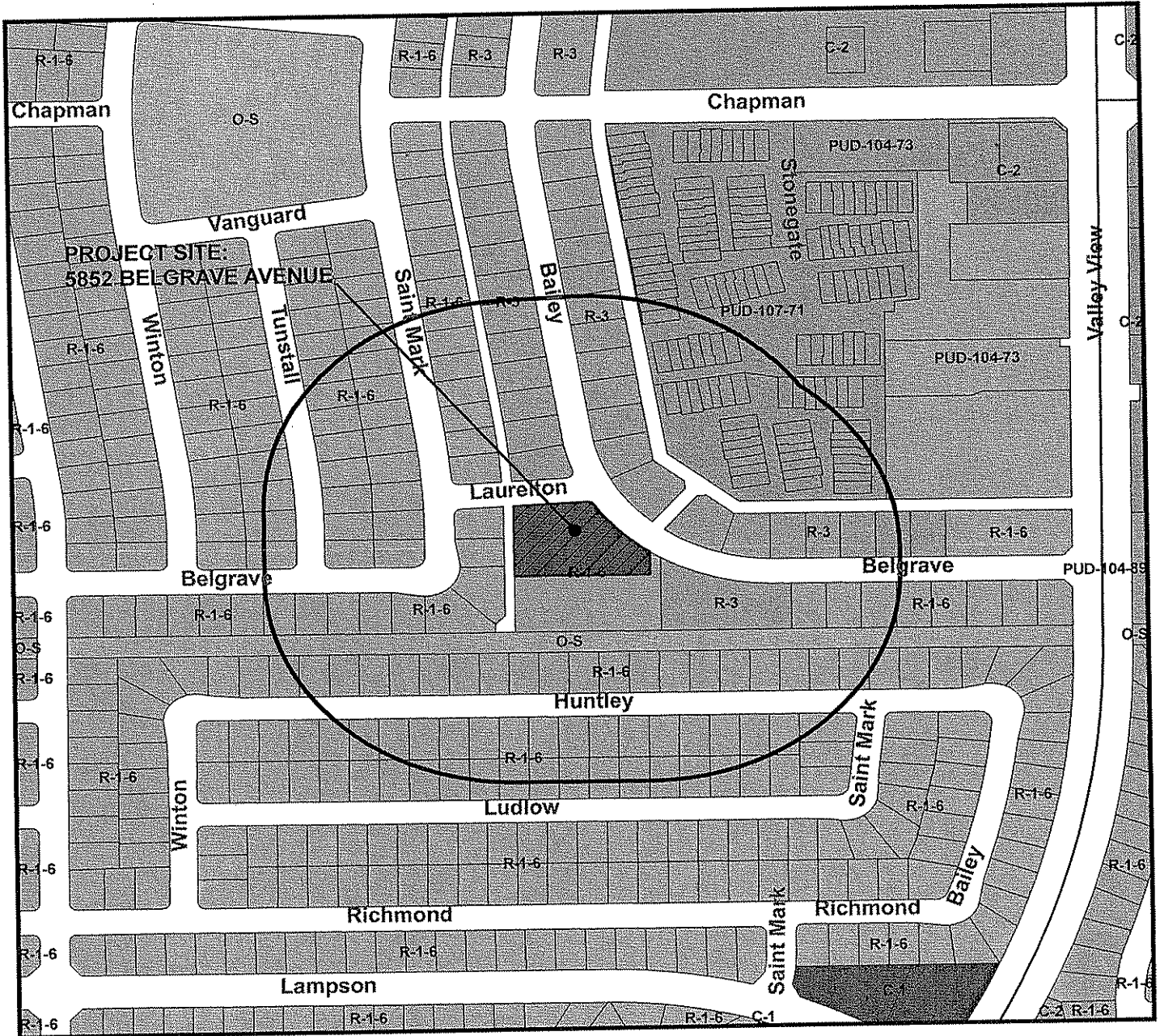


PROPOSED SITE PLAN





GARDEN GROVE

CONDITIONAL USE PERMIT NO. SP-433-07



LEGEND

 PROJECT SITE - 5852 BELGRAVE AVENUE

 500 FEET RADIUS

NOTES

1. GENERAL PLAN: LOW DENSITY RESIDENTIAL
2. ZONE: R-1 (SINGLE-FAMILY RESIDENTIAL)



0 125 250 500 750 Feet

CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 OCTOBER 2008

RESOLUTION NO. 5662

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-433-07 AND CONDITIONAL USE PERMIT NO. CUP-218-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 6, 2008, approved Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 for property located south side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at 5852 Belgrave Avenue, Assessor Parcel No. 224-243-12.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Los Alamitos Congregation of Jehovah's Witnesses.
2. The applicant requests approval of a Site Plan and Conditional Use Permit to allow the demolition of an existing 3,147 square foot religious building, and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Low Density Residential and a zoning of R-1 (Single-Family Residential). The site was previously improved with a 3,147 square foot religious building that was recently demolished. The site is currently vacant.
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 November 6, 2008, 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 November 6, 2008; 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 Sections 9.24.030, are as follows:

FACTS:

On December 6, 2007, the Planning Commission approved Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 to allow the construction of a 4,176 square foot religious facility for the Los Alamitos Congregation of Jehovah Witnesses.

On May 8, 2008, the Zoning Administrator approved a modification to the Site Plan and Conditional Use Permit to allow the front setback to be reduced from 20'-0" to 18'-9". The minimum required front setback for this zone is 15'-0".

On June 10, 2008, the applicant submitted construction drawings to the Building Services Division for the construction of the new religious facility.

On September 18, 2008, the applicant applied for a demolition permit to demolish the existing structure. The structure has since been demolished and the property is currently vacant.

Staff became aware of a computer error that resulted in the surrounding property owners not being properly notified about the project, the residents were unable to express their concerns about the project at the Public Hearing.

On October 8, 2008, a neighborhood meeting was held, and the residents in attendance expressed concerns about vehicular access, adequate on-site parking to the project, and possibly loss of on-street parking.

As a result of determining that those property owners located within the 500 foot notice radius were not properly noticed, thereby not having the opportunity to express concerns that were not originally addressed at the December 6, 2007 Public Hearing, the project has been rescheduled for a new Public Hearing.

The project has been properly re-noticed and re-advertised.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of the City's General Plan, and Title 9.

The project complies with the Low Density Residential General Plan Land Use designation and the R-1 (Single-Family Residential) zone. The site has been improved with a religious facility since 1965. The building has been recently demolished due to the original Site Plan and Conditional Use Permit approval from the December 6, 2007 Planning Commission Public Hearing.

The project has been designed to comply with the development standards for religious institutions. The project complies with the setbacks, landscaping and parking requirements of the code.

The project will continue to remain one-story in height, and will provide an architectural design that will be compatible with the existing neighborhood. Therefore, the project is consistent with the spirit and intent of the requirements of the City's Municipal Code and the development standards for churches and religious institutions.

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 project will be accessed from a two-way, 25'-0" wide, drive aisle from Laurelton Avenue. The proposed drive aisle will improve vehicular circulation and access to the site as it will be easier for congregation members to enter and exit the site. The existing access from the 20'-0" public alley will be eliminated. The project will provide a total of 63 on-site parking spaces, which complies with the code requirement for religious facilities. The project also provides adequate pedestrian access from public the right-of-way.

The City's Traffic Engineering Section has reviewed the proposed project, and all appropriate conditions of approval and mitigation measures will 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 Public Work's Department has reviewed the plans and all appropriate conditions of approval have been incorporated. The proposed development will provide landscaping and proper grading of the site to provide adequate on-site drainage. All other appropriate conditions of approval and mitigation measures have been included, which will minimize any adverse impacts to surrounding streets.

4. The project will not adversely impact the Public Works Department's ability to perform its required function.

The Public Work's Department has reviewed the project, and has incorporated all the appropriate conditions of approval and mitigation measures 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 will continue to remain one-story in height, and will have an architectural design that will be compatible with the surrounding neighborhood. The structure will be constructed in the same area as the previous structure. The project will provide landscaping along the street setbacks and within the parking area. The project has been designed to be an enhancement to the site. Therefore, the project will have a reasonable degree of physical, functional, and visual compatibility with neighborhood.

Conditional Use Permit:

1. The use is consistent with the goals and objectives of the General Plan.

The proposed religious facility is consistent with the General Plan goal of providing activities that support the surrounding residential area. Additionally, through the recommended conditions of approval, the operation of this facility will comply with all applicable code provisions, thus making it consistent with the City's General Plan, the R-1 (Single-Family Residential) zone, the church and religious institution development standards and the Redevelopment Plan.

2. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

The original building was constructed in 1965. The Los Alamitos Congregation of Jehovah's Witnesses has owned and occupied the site since 1974. The applicant has indicated that the congregation will continue to operate in the same manner. Therefore, the use will be harmonious with the persons who work and live within the area provided the conditions of approval are adhered to for the life of the project.

3. The use will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site.

The site has been used for religious purposes for over 43 years. The congregation will continue to operate in the same manner. Sufficient on-site parking and adequate vehicular access will be provided to minimize impacts to the surrounding residential neighborhood. The use will be compatible with the

surrounding area provided that the conditions of approval are adhered to for the life of the project.

4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The conditions of approval will ensure that the public health, safety, and welfare will not be jeopardized.

INCORPORATION OF FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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 Site Plan and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the project shall comply with all the conditions of approval contained in "Exhibit A" of Resolution No. 5619 and Decision No. 1546 for Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, and shall also comply with the following condition of approval:
 - a. As a means of being courteous, the applicant shall remind congregation members to park on-site.

ADOPTED this 6th day of November, 2008

/s/ JOSEPH PAK
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on November 6th, 2008, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, KIRKHAM, NGUYEN, PAK
NOES:	COMMISSIONERS:	BEARD
ABSENT:	COMMISSIONERS:	PIERCE
RECUSED:	COMMISSIONERS:	BRIETIGAM

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is November 27th, 2008.

EXHIBIT "A"

REVISED CONDITIONS OF APPROVAL

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

South Side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at
5852 Belgrave Avenue

CONDITIONS OF APPROVAL

General Conditions

1. 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 prior to issuance of any building permits. 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.
2. Approval of this Site Plan and 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.
3. Modifications which do not change the intent of the project may be approved by the Community Development Director. If modifications are made in the proposed development that result in the intensification of the project or create impacts that have not been previously addressed, the appropriate entitlement applications shall be filed which reflect the revisions made.
4. 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 City's Planning Section. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting in the parking areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the windows of adjacent properties.
5. The developer shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval during the Building Division plan check. The project shall also be subject to the following:
 - a. All on- and off-site utilities within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

- b. Utility equipment above ground (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas, or any parking areas and shall be screened to the satisfaction of the Community Development Department.
 - c. 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 Development Department prior to the issuance of building permits. Said 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.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Engineering Services Division

7. 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. The developer shall be responsible to remediate any soil or groundwater contamination prior to the issuance of a building permit. The remediation shall be implemented in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall also make recommendations for pavement design of the interior drive aisle and parking spaces.
8. A separate street permit is required for work performed within the public right-of-way.
9. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
10. The application shall be subject to Traffic Mitigation Fees.

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

11. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:

- a. Addresses Site Design BMPs such as 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 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.

12. 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.

13. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards.

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

14. Any new trash enclosures shall be constructed per Garden Grove Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
15. The new driveway approach on Laurelton Avenue shall be constructed in accordance with City Standard Plan B-121.
16. Prior to the issuance of a grading plan, the applicant is required to post bonds to secure the required on-site and off-site improvements.
17. The applicant shall remove and replace all uplifted and damaged sidewalk panels adjacent to city street trees along the property frontage, in a manner meeting the approval of the City Streets Division Manager. Should trees need to be removed to facilitate the new sidewalk construction, additional trees may be required behind the sidewalk on private property.
18. Prior to issuance of certificates of use and occupancy the applicant shall remove and reconstruct the alley along the western property line in a manner meeting the approval of the City Engineer. Required improvements shall include the following:
 - a. Removal and reconstruction of the v-gutter.
 - b. Cold planning and overlaying the AC pavement.
 - c. Removal of the cross gutter at the intersection of Laurelton Avenue. The new cross gutter shall be constructed in accordance with City Standard Plan B-119.
 - d. Constructing two new ADA compliant handicapped ramps (one on each side of the required cross gutter).

Public Works Water Services Division

19. Any new water service installations 2-inches 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-inches and larger, shall be installed by developer/owner's contractor per City Standards.
20. Any new water meters shall be located within the public right-of-way. Fire services and large water services 3-inches and larger, shall be installed by

REVISED FINAL

contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.

21. 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 Service Division.
22. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
23. City shall determine if existing water service(s) is/are usable and meets current City Standard. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
24. If required the Water Services Division and the Fire Department shall determine location and number of fire hydrants.
25. Owner shall install new sewer lateral with clean out at right-of-way lines. Lateral in the public right-of-way shall be 6-inch minimum diameter, extra strength VCP with wedgelock joints.
26. 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.

Fire Department

27. Address numbers shall be visible from the street in contrasting colors.
28. For all gated areas, a Knox box key system shall be in place for emergency access.

Building Services Division

29. The building plans, including grading and site development plans and all construction activity shall comply with the current editions of the California

Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.

Community Development Department

30. The developer shall submit a final landscape plan governing the entire site. Said plan shall include type, size, location and quantity of all plant material. This includes enhanced landscaping and hardscape treatment around the entire site. Landscape materials shall be consistent with the landscape materials used within the surrounding development. The plan shall include irrigation plans and staking and planting specifications. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation 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 or other variety as approved shall be used. Any plant material within the subject parcel retained and not affected by the proposed construction may be counted toward this requirement.
 - c. The developer shall be responsible for installation and maintenance of all landscaping on the property.
 - d. 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.
31. No exterior piping, plumbing, mechanical ductwork, and/or roof access ladders shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property. Any roof access ladder shall be inside the building.
32. Hours and days of delivery, construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays - not permitted at any time.
33. The developer shall construct and maintain a trash enclosure(s) area per City standard, and utilize the service area for the storage of the trash container(s). Trash enclosure doors shall be kept closed and secured except during trash disposal or pickup. Any alternate trash enclosure design shall be reviewed and approved by the Planning Division prior to issuance of building permits.
34. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community Development Department, Planning Division. Should satellite dish antenna(s) be proposed, they shall be placed and screened so that they are not visible from the public right-of-way or adjoining properties. No advertising material shall be placed thereon.
35. All lighting on the project site shall be enclosed in vandal resistant fixtures. The fixtures shall be maintained and replaced as needed. Up lighting is encouraged on the building exterior to further enhance the building's appearance.
36. Prior to the start of construction, temporary security fencing shall be erected if necessary. The fencing shall be a minimum of six (6) feet in height with locking, gated access, and shall remain through the duration of construction.
37. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developer's name, address, and a 24-hour emergency telephone number.
38. The developer shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 with all conditions of approval.
39. Graffiti shall be removed from the project site and all parking lots under the control of the developers within 120 hours of notification.
40. Signage for the project site shall be as follows:

REVISED FINAL

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

- a. Wall signs and one (1) monument sign may be permitted and shall conform to the sign criteria under Title 9 of the Municipal Code. All signage shall be reviewed by the Community Development, Planning Division, prior to installation. All signs require separate permits.
- 41.No amplification systems shall be permitted outside of a fully enclosed building. The sound emitted from any loud speakers shall not extend beyond the walls of the building.
- 42.All requirements of the Garden Grove Building division and Fire Department shall be met, including any required occupancy permits and inspections.
- 43.The architectural elevations as submitted in the application for entitlement approval are an integral part of the approval process. Therefore, no changes to the elevations, including the colors and materials, are permitted unless reviewed by and approved by the Planning Commission.
- 44.A copy of the resolution approving Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, including the conditions of approval, shall be kept on the premises at all times.
- 45.In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

DRAFT MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: SITE PLAN NO. SP-433-07
CONDITIONAL USE PERMIT NO. CUP-218-07
APPLICANT: LOS ALAMITOS CONGREGATION OF JEHOVAH'S WITNESSES
LOCATION: SOUTH SIDE OF LAURELTON AVENUE BETWEEN BELGRAVE AVENUE AND ST.
MARK STREET AT 5852 BELGRAVE AVENUE
DATE: NOVEMBER 6, 2008

REQUEST: Site Plan and Conditional Use Permit approval to allow the demolition of an existing 3,147 square foot religious building and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone.

Commissioner Brietigam recused himself from the discussion.

Staff report was read and recommended approval.

Commissioner Bankson asked staff to verify that no changes in construction have occurred since the original approval. Staff replied yes.

Vice Chair Pak asked staff to explain the noticing error. Staff replied that notices were indeed sent out, however, the error was later discovered that due to a computer glitch, the parcel list that was generated and used for noticing was incorrect; therefore, the notices that were sent went to a different area of Garden Grove.

Commissioner Beard asked staff if the meeting was noticed in the newspaper and if the neighborhood meeting was a result of the noticing error. Staff replied yes to both; that the error was brought to the City's attention during the beginning of construction, in that several residents stated that they did not receive a notice; that a neighborhood meeting was then conducted for residents to express their concerns regarding this project, as well as the Montessori school and traffic in the area; that a noticing error happens less than 1% of the time, however, in the past, people have called to alert the City that they have received notices that do not pertain to them; and that the noticing system is good, except for this particular situation.

Vice Chair Pak opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Woody Kist, the applicant's representative, approached the Commission and described the project. He stated that the Kingdom Hall project has moved forward; that they are complying with the City; that they are

permitted to work on Sunday, but chose not to during heavy construction so as not to bother the neighbors; that they did work Saturdays; that the building is demolished and grading is complete along with the concrete slab; that during demolition, measures were taken to abate dust in the air and debris by using a watering-down process; that he would like to move forward with the new parking lot approach of 25'-0" wide driveway on Laurelton Avenue; that two car lengths would be lost on the street; that if the new driveway was not approved, the new parking lot would need to be reconfigured and four parking lot spaces would be lost; that emergency vehicles had difficulty maneuvering through the alleyway; that the alley is dangerous especially with regard to line of sight; that over 200 cars use the alley per day for the Montessori school; and that congregants often have to wait in line for access to their site from the alley.

Commissioner Kirkham asked the applicant how long he has owned the property and to explain why the alley is the only entrance to the property. Mr. Kist replied they have owned the property since mid 1974-75 and that the alley was the entrance to the parking lot prior to the Montessori school being built.

Commissioner Beard asked the applicant if there would be an increase in the congregation. Mr. Kist responded that the French speaking congregation has about 50 to 60 people; the English speaking congregation has about 130 people; and the Spanish congregation has about 110 people; that the meetings are on Sundays from 9:30 a.m. to 5:00 p.m.; that during the week, the Tuesday, Wednesday, and Thursday meetings begin at 7:30 p.m. and end at 10:00 p.m. with the chatter gone by 10:30 p.m.

Vice Chair Pak asked the applicant if he had read and agreed with the Conditions of Approval. Mr. Kist replied yes.

Mr. Kris Maher approached the Commission and commented that the project would be a benefit to the neighborhood and that safety would be improved.

Mr. Greg Beard approached the Commission and expressed his concern that the noticing process needs to be corrected; that the congregation would increase; that street parking is an issue; that the dust and possible asbestos were being watered down; that people should know if the proper procedures were followed for asbestos abatement; that if dump trucks could navigate the alleyway, so could emergency vehicles; that the dumping of an excavator at 10:30 p.m. shook his house and swimming pool and there could be damage to his home as well as others; that at 6:45 a.m. a trench plate came down the alley; that the site identification sign that is required per Condition No. 37, is not there; that the residents are policing the construction; that a new pole and transformer had been installed in the alley that could have been undergrounded; that the Montessori school employees park on the street leaving limited parking for the apartment residents; that swarms of termites

flew in the air during demolition; that Laurelton Avenue is a cut-through street; that the Conditional Use Permit indicated that the congregation was not expected to grow; and that there is no parking in front of his house for four hours on Sundays.

Mr. Eric Dupre approached the Commission and expressed that he had to deal with car traffic in the alley; that the alley should not have been intended to be the access for Montessori school; that parking would be taken up on the residential street; that the neighborhood used to be quiet; that the employees and congregation should have sufficient parking; that termites swarmed his house; that he is a contractor and must provide reports for asbestos abatement and termite reports for things that are released into the atmosphere; that his walls are damaged from construction truck traffic; that he now has another pole and a transformer in his back yard and this is a fire danger; that trucks unload materials as early as 5:00 a.m.; and that the zone seems to be more commercial than residential.

Mr. Les Eve approached the Commission and commented that he had mixed feelings about the project; that the Montessori school cleaned his pool after construction; that he saw termites; that the trash area should be moved toward the building; that the alley has a lot of traffic; that congregation chatter ends about 10:30 p.m.; that he would like a cut-through at both openings so traffic would not bunch up; and that the pick-up of children at the Montessori school is a problem and is noisy with car alarms and fast driving.

Mr. Ryan Fremgen approached the Commission and stated that he would like to see the documentation for asbestos abatement for the demolition; that watering down is not a good asbestos removal method; that he also saw termites; that he has splatter on his house that needs to be dealt with; and that parking is an issue.

Mr. Bob Owens approached the Commission and stated that his interest is the safety, health and welfare of citizens; that it is possible City Hall has asbestos in it; that he went by the site and saw a skip loader dump material into a truck and a white cloud came out; that he headed up a naval ship yard asbestos survey that indicated that 32% out of 8000 people were affected by asbestos; that the demolished church had not been inspected properly for asbestos; that illegal removal could constitute a jail sentence due to asbestos being deadly; that asbestos abatement contractors need to be certified; that the apartments across the street from the church had asbestos; that residents did not get the project notices; and that to protect the community, the City needs to follow through in checking for asbestos in the older building projects.

Mr. Tony Flores approached the Commission and stated that the noticing was not done properly for this project and others; that the Montessori school is

5856 Belgrave Avenue, which is adjacent to the project address of 5852 Belgrave Avenue and that the noticing process needs to be revamped; that per the California Environmental Quality Act (CEQA) the project is exempt, however, under Title 19, Section 15303 – New Construction or Conversion of Small Structures, Class C, of which this project falls under, the Act states that a project is exempt if it does not exceed 2,500 square feet in floor area indicating that this project would not be exempt as this project is 3,960 square feet in floor area; that asbestosis has a seven to ten year manifestation period and that needs to be looked into; and that Garden Grove needs districts, each with its own representation.

Ms. Rita Jones approached the Commission and expressed her concerns about parking, traffic, the demolition without her knowledge; that a sign on the site could help with notification problems; that the asbestos scare is a concern; and that two other residents that could not attend this meeting had traffic concerns.

Mr. Charles Jones approached the Commission and related his concerns with traffic and the cut-through traffic to the Westgate Shopping Center; that parking is his primary concern; that the street cannot take more cars; that there is running of the stop sign and speeding on the street; that white lines were painted on the street near the stop sign, however, this does not help the issues on his side of the street as safety is a concern; and that projects should be looked at carefully.

Mr. Robert Latta approached the Commission and stated that all of the concerns are valid; that he has attended the Congregation since 1974; that traffic has increased citywide; that when the congregation grows, it splits into other places to meet; that there is a concern for the neighborhood and how they feel about the project; that they have worked hard to address off-site parking and other aspects; that the previous building was old and not useful and was to be replaced by a new structure that would add to the community; and that the congregation is willing to work with the community, however, what has transpired is done.

Ms. Elaine Steele approached the Commission and stated that the workers do work on Sunday; that they park down the street and walk into the back; that the cranes are creating trouble; that the alley now has to be redone by the City; that school buses also pick up children from the neighborhoods; and that Commissioners and staff need to go out and look at these project sites before decisions are made.

Ms. Robin Marcario approached the Commission and stated that communication is important; that neighborhood meetings are a great way to have open dialog; that meetings should be held before the public hearings so questions could be answered; and that people need to be better informed to alleviate the discontent.

Mr. John Berkers approached the Commission and stated that his main concern is that he has asthma; that he had a licensed contractor remove the popcorn ceiling from his home; that he did see the termites; and that the traffic is more of a concern than the parked cars.

Ms. Rita Jones reapproached the Commission and asked staff for the neighborhood's choices now that the former church had been demolished.

Vice Chair Pak responded that the proposal is to construct a 4,176 square foot building.

Staff added that the old building would be replaced by the new building with the additional parking and access point; that the Planning Commission has the authority to approve the project; and that if this application were to be denied, the applicant would have the opportunity to apply for a different type of use.

Vice Chair Pak added that the purpose of this hearing is for the public to voice their concerns.

Staff further added that the Planning Commission's decision is final, however, the case could be appealed to City Council; that a denial requires supportive findings; and that this application is a recommendation for approval.

Mr. Tony Flores reapproached the Commission and stated that the notice did not describe the public hearing as an opportunity for opinions only, and he then read the November 6, 2008 notice aloud.

Mr. Bob Owens reapproached the Commission and stated that the object is not to stop the building of the church; that the system has broke down; that the west end area is highly condensed; and that the community needs complete communication along with a working relationship when the quality of life may be affected.

Mr. Greg Beard reapproached the Commission and agreed that the intent is not to stop the building of the church; that the neighborhood needs beautification and the neighbors want to be notified; that the driveway, alley, power pole, overhead wires, noise from security, the stop sign, and the marks on the public street are an issue; and that the church could have initiated a neighborhood meeting, however, they did not.

Mr. Woody Kist reapproached the Commission and stated that the old building was a simple construction of post and beam; that the roof was wood with no attic or duct work; that the walls were stucco on slab; that he did not see termites on the site and could not speak for the swarming; that the alley trucks could have used a new approach and some equipment was offloaded

on the street; that early deliveries were addressed with the exception of one evening delivery; that there is no objection to trucks on the street before 7:00 a.m., however, there was no offloading until 7:00 a.m.; that they have the right to work on Sundays, however, they chose not to do heavy construction work on Sundays; that his trucks, as well as trash trucks and public works vehicles all use the alley; that there have been near misses because of alley traffic; that they want to eliminate those dangers by parking on-site; that a number of trucks were on-site to remove concrete debris and the area was hosed down; that several notices did arrive at a townhouse just east of the alley; that workers were asked to park away from the neighborhood to be shuttled to the work site; that the demolition is done; and that they want to continue to work with neighbors and the building will be an improvement.

Commissioner Nguyen asked the applicant for the number of members per meeting. Mr. Kist replied that the number depends on which congregation meets; that when the congregation grows, that congregation splits and goes to another building; that there are families that would take only one car.

Commissioner Nguyen asked the applicant if there was a termite report prior to demolition. Staff replied that there was no termite report required, however, the building site was inspected after demolition.

Commissioner Beard asked for the number of people attending at one time. The applicant replied that the largest group would be the English-speaking group, which would be approximately 135-140 people; that there is a memorial once a year at which approximately 180 people would attend.

Commissioner Beard asked the applicant if an asbestos report was done. The applicant replied that the city did not require an asbestos report, however, other cities have required reports; and that the drywall construction walls had been painted over many times.

Vice Chair Pak asked the applicant if the new transformer and pole were required. The applicant replied that the power poles run down the alley, down Laurelton, west to Mr. Beard's house; that the new pole was installed by Southern California Edison approximately two feet from the existing pole; that when the alley is redone, there will be no obstruction; and that the Edison transformer was required to alleviate the load drop in the building when the air conditioner was turned on.

Vice Chair Pak asked for the name of the General Contractor on the project. The applicant replied that the project is 'owner/builder'; that owner/builders are not required to have licenses; that many of the volunteers working on the building have contractor specialties; that the congregant services are temporarily being held in a neighboring Kingdom Hall; that there were no termites visible to him on his site visits; and that termites are everywhere.

Mr. Eric Dupre reapproached the Commission and stated that the transformer is on the church property; that the load drop was small; that the original pole was unobtrusive and the new pole is a cross style; that the work should have been undergrounded; that the applicant denies there were termites; that trucks are unloading at 5:00 a.m. instead of the required 7:00 a.m.; and that this problem needs to be addressed.

Commissioner Beard asked if there is a termite abatement process.

Mr. Dupre added that as a contractor, he is required to pull a permit to inspect for termites before demolition and an asbestos abatement is required; and that the applicant should not be exempt from that.

Mr. Bob Owens reapproached the Commission and stated that though they do not need a contractor's license there could have been asbestos in the old building; that City Hall should also be inspected; that buildings built up to 1975 have asbestos; that there is no documentation stating that there was no asbestos on the site; and that the applicant seems to be exempt from contractor laws.

Ms. Elaine Steele reapproached the Commission and stated that she had spoken to members of the congregation who said that the old building was being torn down due to termite infestation; that the applicant has said that they were not working on Sunday, then said that they were working on Sundays; and that if the applicant did not need a contractor license as owner/builder, anyone could build on their house without a license.

Mr. Greg Beard reapproached the Commission and stated that the fire trucks could get into the alley to use the alley fire hydrant in case of fire; that the case will be appealed; that the partial permits have been issued to demolish and construct foundations; that there should not be an increase of congregation cars on the street; and that there should be a project sign.

Vice Chair Pak asked the applicant if he had read and agreed with the conditions of approval. Mr. Kist replied yes.

Mr. Tony Flores reapproached the Commission and stated that per the CEQA requirements, the floor area exceeds 2,500 square feet.

There being no further comments, the public portion of the hearing was closed.

Commissioner Kirkham commented that copies of the parcel lists and notices could be included with the Planning Commission packets; and that this meeting's notice should be for opinion only.

Staff explained that the notice for this hearing was the same as the original noticing for December 6, 2007; that the building has been demolished since that time; that the applicant did pull a demolition permit that includes an acknowledgement with regard to asbestos issues and that they declared that there was no asbestos in the building; that they proceeded under a sworn affidavit that they could continue without asbestos removal; that only a foundation permit has been issued; and that there is a condition of approval that a project sign be erected that includes contact information.

Commissioner Kirkham expressed that neighborhood meetings are good for these types of large projects as residents have a right to know what is going on.

Commissioner Beard asked staff if it is a violation of the conditional use permit if the applicant has not complied with the requirements regarding sound, equipment, and times.

Staff replied yes, that Condition No. 32, could be revised, such as eliminating the allowance for work on Sundays and Federal Holidays and that there would no deliveries before 7:00 a.m.

Commissioner Nguyen stated that the Commissioners are the last to see the staff reports; and that both sides need to be educated.

Commissioner Bankson stated that an owner has the right to be owner/builder on their house, however, they must abide by all codes and have inspections; that the City inspector should have made note that there was no sign on the project; that Commissioners receive their packets one week ahead of time to study the projects and visit the sites; that the Fire Department reviews the plans regarding fire hydrants; that the new, larger building would be more functional as the old building was outdated; that there is not a congregation that doesn't grow; that he sympathizes with the delivery noise; that perhaps construction parking in the neighborhood could be alleviated with permitted parking; and that the existing alley driveway is a danger and perhaps could be alleviated using one-way circulation.

Commissioner Beard asked staff if the apartment parking used to be less stringent, as the area is underparked and there would always be a problem. Staff replied yes.

Commissioner Bankson added that the applicant is constructing a building where there was a building; that if they grow, they will split; and that during construction, offsite shuttling of employees does occur.

Commissioner Kirkham asked staff if there is a city inspector on the property. Staff replied yes; that two inspectors indicated that the site is secured properly and clean; that there are no problems anticipated with this

development; that if there are equipment and material drop-off issues, the phone number for the Garden Grove Police Department non-emergency line could be provided in order to ask for the watch commander; and that an inspector sat at the site at 6:30 a.m. one morning and did not see any concerns.

Commissioner Kirkham visited the site one Sunday morning and no workers were on site, however, he did notice muddy run-off water in the alley that could be from the site.

Staff agreed that there was water in the alley, however, it was not determined where the water came from.

Commissioner Bankson added that Southern California Edison makes the transformer design decisions and that undergrounding would need to occur in whole areas.

Vice Chair Pak asked staff to clarify the 2,500 square foot floor area requirement for CEQA exemption. Staff explained that this development replaces an existing building; that the new building is not that much larger than the old building; that the issue is determining whether or not there is an impact with the additional size of the building; that CEQA is used to determine if replacement buildings, that have the same use, have impacts; and that if there are impacts, there needs to be recorded evidence and additional review that there are new impacts; and that there needs to be viable mitigation measures that can be imposed on the new construction or use.

Vice Chair Pak asked staff for the time frame for the residents to appeal the project if it is approved.

Staff replied that per code, any interested party could appeal the project within 21 days of the hearing; that if there is an appeal and the applicant commences the construction, the applicant assumes the risk that the City Council may overturn or change the conditions or the approval and that any work done that is inconsistent with any changes would need to be redone.

Recess from 9:45 to 9:50 p.m.

Staff thanked Mr. Tony Flores for his submission of a copy of the CEQA Regulation and stated aloud that the full exemption for exempted projects is as follows:

Section 15303 Subsection C – Exemptions include but are not limited to a store, motel, office, restaurants, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to

four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Commissioner Beard stated that the noticing was in error; that typically people would have monitored the project from the first day; that a better building would be built; that any large building would first need communication with area residents; that there is a termite issue; that asbestos is out there since pre-1974; and that parking would be a continuous problem.

Staff added that the access could be reviewed along with congregation parking; that if the applicant meets code, it would be difficult for the applicant to go beyond the code, unless an impact that is created by the congregation or construction needs to be mitigated; that the area residents already do not have enough parking in their properties; that if the congregation has sufficient parking for their uses, the Planning Commission is limited as to what could be done; that the applicant is not required to mitigate problems created by third parties; that the required reports are addressed by state law; that regarding building code issues and safety code issues the law states that the city is preempted from local regulations as the same laws apply throughout the state.

Commissioner Beard added that if the citizens had been involved from the beginning, the city could have been alerted; and that the applicant needs to be more diligent with his contractors.

Staff added that violations of the municipal code are misdemeanors and that Code Enforcement could cite violations.

Commissioner Kirkham stated that the noticing problem was not the applicant's fault; that there are options for the project such as modifying conditions relating to the hours of operation and the driveway; and that he does not want to see the project halted.

Staff added that this public re-hearing is for the Planning Commissioners to address testimony relating to concerns, such as revising conditions to eliminate impact concerns.

Vice Chair Pak commented that if there had not been a computer glitch, there might have been a better original hearing and that concerns could be worked out; that the project meets code; and that Southern California Edison could possibly come up with a better solution.

Staff added that the trash enclosure location would be close to the building and that the Sanitation District approves of the location. Also, staff would need to look into the possibility of making the alley a one-way circulation.

Commissioner Bankson commented that he would support the project and that the congregation needs to get the neighborhood engaged in the process; that Condition No. 32 could reflect no deliveries before 7:00 a.m.

Staff added that the word 'delivery' could be added to Condition No. 32 to read, "Hours and days of delivery, construction, and grading shall be..."

Commissioner Kirkham commented that the alley must have two-way circulation due to the Montessori school being at the other end, however, entrance signs could be posted for circulation.

Vice Chair Pak re-opened the public hearing.

Mr. Greg Beard reapproached the Commission and commented that the new driveway would take away public parking; that more cars would park in front of his house and that he would have to deal with the trash.

Mr. Michael Van Dordrecht approached the Commission and stated that he had helped to design the parking lot; that leaving the access to the alley would make four congregation parking spaces lost along with two on the street; that 61 parking spaces are required on the congregation lot, however, they have 62, resulting in one extra parking space; that they previously had 53 spaces; that the neighborhood is helped by nine new congregation parking spaces; and that it would be a detriment to the neighborhood not to have the new approach.

Mr. Bob Owens reapproached the Commission and stated that the hearing was fair, that the church should be built; and that there needs to be better communication.

There being no further comments, the public portion of the hearing was closed.

Commissioner Kirkham commented that an owner of a property should have access to his property without having to go through the alley.

Commissioner Bankson moved to approve Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 with amendments to Condition No. 32, seconded by Commissioner Kirkham. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, KIRKHAM, NGUYEN, PAK
NOES:	COMMISSIONERS:	BEARD
ABSENT:	COMMISSIONERS:	PIERCE
RECUSED:	COMMISSIONERS:	BRIETIGAM

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: South side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at 5852 Belgrave Avenue
HEARING DATE: December 6, 2007	GENERAL PLAN: Low Density Residential
CASE NOS.: Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07	ZONE: R-1 (Single-Family Residential)
APPLICANT: Los Alamitos Congregation of Jehovah's Witnesses	APN.: 224-243-12
PROPERTY OWNER: Same	CEQA DETERMINATION: Exempt

REQUEST:

The applicant requests approval of a Site Plan and Conditional Use Permit to allow the demolition of an existing 3,147 square foot religious building, and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone.

PROJECT STATISTICS:

<u>Lot Size</u> *:	<u>Provided</u> 39,000 s.f.	<u>Code</u> 43,560 *
<u>Building Area</u> :	4,176 s.f.	N/A
<u>Building Height</u> :	19.5-feet	35-feet
<u>Building Setbacks</u> *:		
North (front)	20-feet	20-feet
East (side)	10-feet	5-feet
South (rear)	10-feet	5-feet
West (side)	5-feet	0-feet

* The site is an existing legal lot, which was improved as a church in the mid-1960s and was legally subdivided as a part of Parcel Map No. 125-7 in 1978 to a legal lot less than one acre in area.

BACKGROUND:

Los Alamitos Congregation of Jehovah's Witnesses currently occupy this site, which was originally developed in the mid-1960s. In 1978, the then two-acre parcel was subdivided and the rear portion of the site was sold to another owner who established a private school on the site. The church has continued to operate on the lot fronting on Belgrave Avenue.

DISCUSSION:

The applicant is proposing the demolition of an existing 3,147 square foot religious building, and the reconstruction and operation of a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone.

Site Design:

The site is located on the south side of Belgrave Avenue, east of Laurelton Avenue. To the east of the site is vehicular access to the adjacent condominium project and to a private school, which is located to the rear of the site. To the west, adjacent to a public alley, are single-family homes.

The new structure is proposed to be setback 20-feet from Belgrave Avenue. The Municipal Code allows a 20-foot front setback for churches when the main building entrance does not open directly to the front street. The side and rear setbacks also meet or exceed all Title 9 requirements.

The new building will contain the main assembly area, offices, counseling areas, restrooms and a cry room. The main assembly area provides a total of 173 seats - 169 fixed seats with space for an additional four handicapped persons.

Circulation and Parking:

Access to the site is provided via a public alley, which is located to the west of the site, and from Laurelton Avenue. These driveways allow direct access to the parking area serving the entire property.

Parking is provided for the site to the west of the proposed sanctuary. This parking area is intended to serve all of the uses on the property including the main assembly area as well as all of the accessory uses. The Site Plan provides 64 on-site parking spaces. This meets the Municipal Code requirements based on the number of fixed seats in the assembly area and the accessory areas.

Building Design:

The architecture is simple and uses a contemporary design that will blend with the residential character of the area. The exterior building materials include stucco walls with accentuating columns. The roof design includes a hip roof with a composition roofing material.

Landscaping:

The site design includes landscaping within the front yard setback area, adjacent to the sides and rear of the proposed building, and within the parking lot area. Landscaping within this area is intended to compliment and match the remaining healthy landscape. Landscaping will include a variety of trees, shrubs and ground covers. Conditions of approval require that the new landscaping be consistent with the existing landscape palette in order to ensure consistency between the new landscaped areas and the existing landscaped areas.

Conditional Use Permit:

Approval of a Conditional Use Permit is required for the operation of the church facility at this location. The purpose of the Conditional Use Permit is to ensure that the operation of the church and associated uses on this property is consistent with the surrounding neighborhood. Conditions of approval are placed on the uses to ensure the use is compatible with the adjoining areas.

The church has been operating at this location since the 1960s. At that time, Conditional Use Permits were not required as churches were permitted by right. Standard operating conditions applicable to churches have been included in the conditions of approval.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, subject to the recommended conditions of approval.



Karl Hill
Planning Services Manager



By: Paul Wernquist
Urban Planner

WILLIAM DOWLING ARCHITECT
 907 ISLAND AVE
 WASHINGTON CA 90743
 310 528-8858



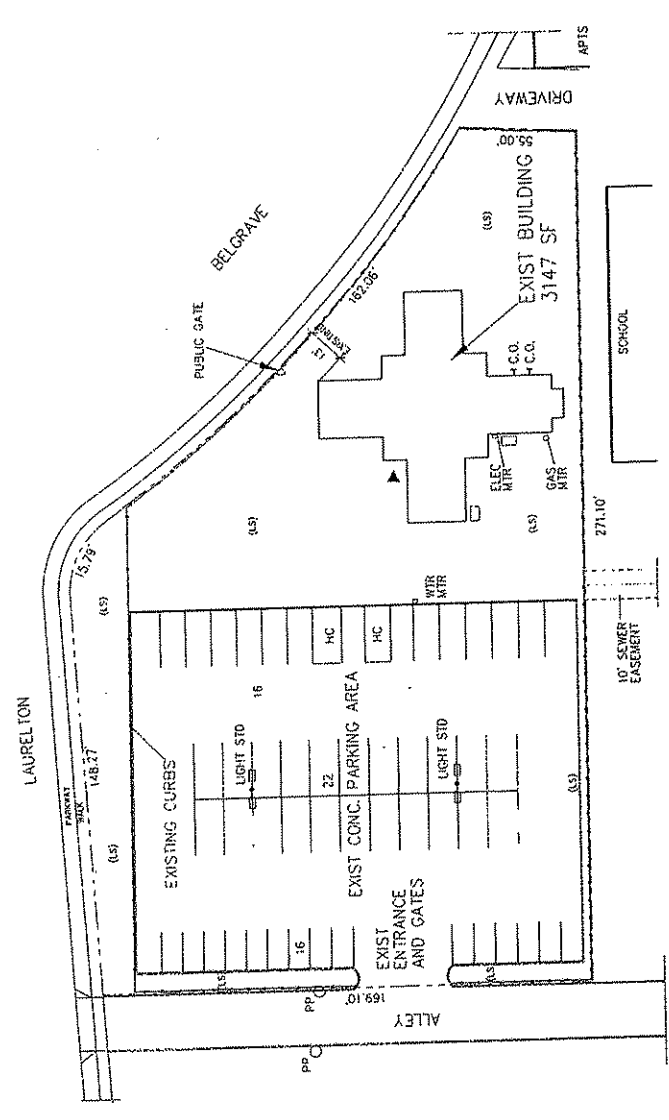
REGION 9 DESIGN GROUP
 2518 W. 157th STREET
 GARDENA CA 90249
 310.612.4574
 Edward Sauticruz

REV	DATE	DESCRIPTION

LOS ALAMITOS KINGDOM HALL
 OF JEHOVAH'S WITNESSES
 5852 BELGRAVE AVE
 GARDEN GROVE CA 92845

DATE: 8-01-07
 SHEET NO. C-1

SHEET 8



EXISTING SITE PLAN
 1" = 20'

LEGEND

- PROPERTY LINE
- EXISTING 6" CONC. CURB
- EXISTING 6" METAL PORT. FENCE
- WALK SLOPE CURB
- (LS) EXISTING LANDSCAPING AREA
- CD=CD UNIT STANDARD

WILLIAM DOWLING
ARCHITECT
907 194th AVE
BRIDGEVIEW, CA
510 528-8856

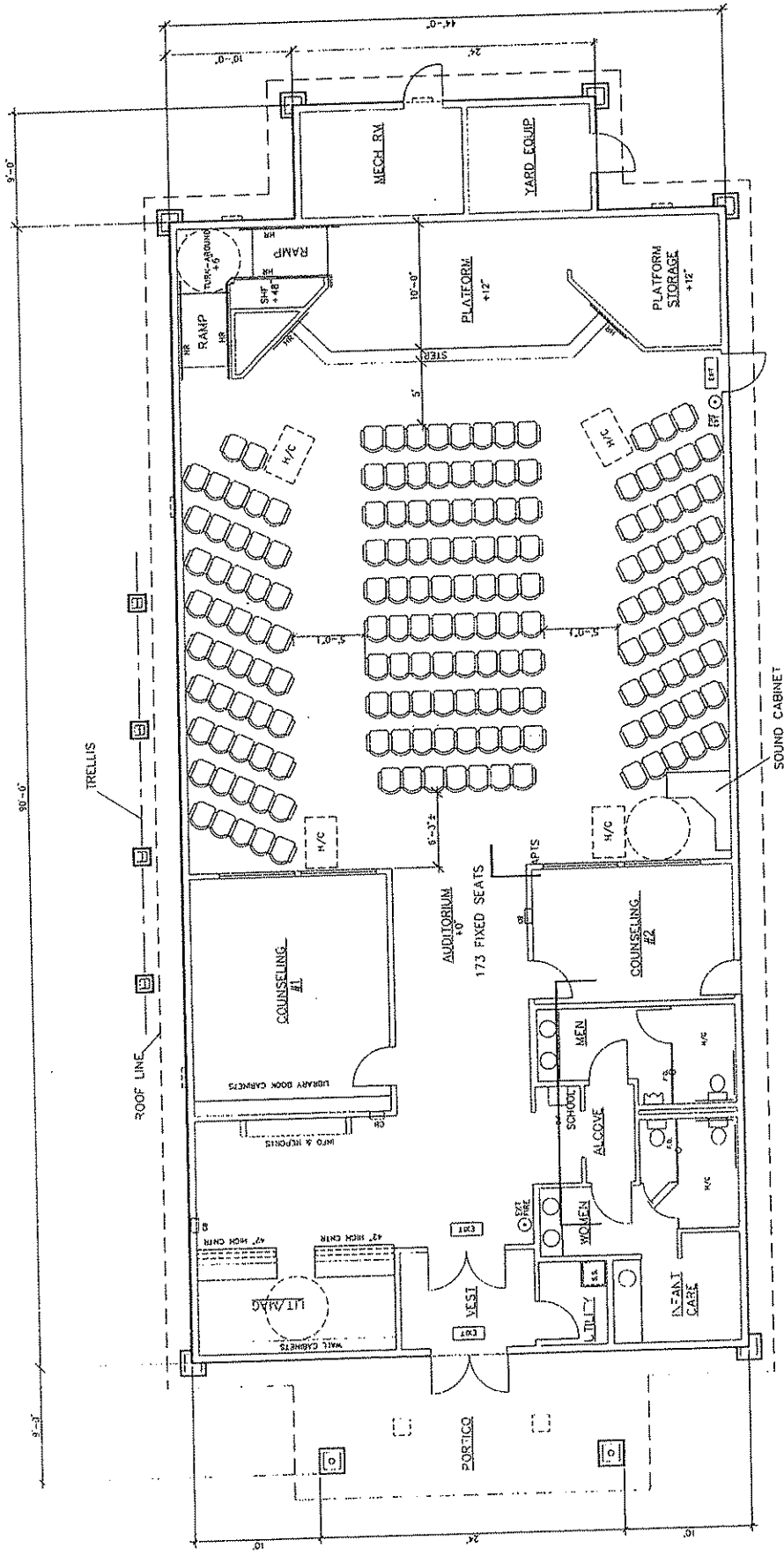


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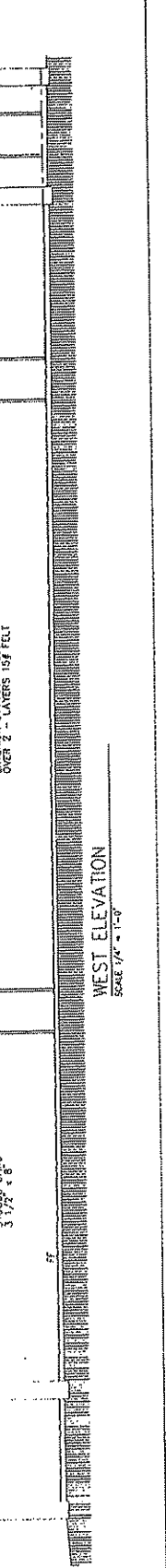
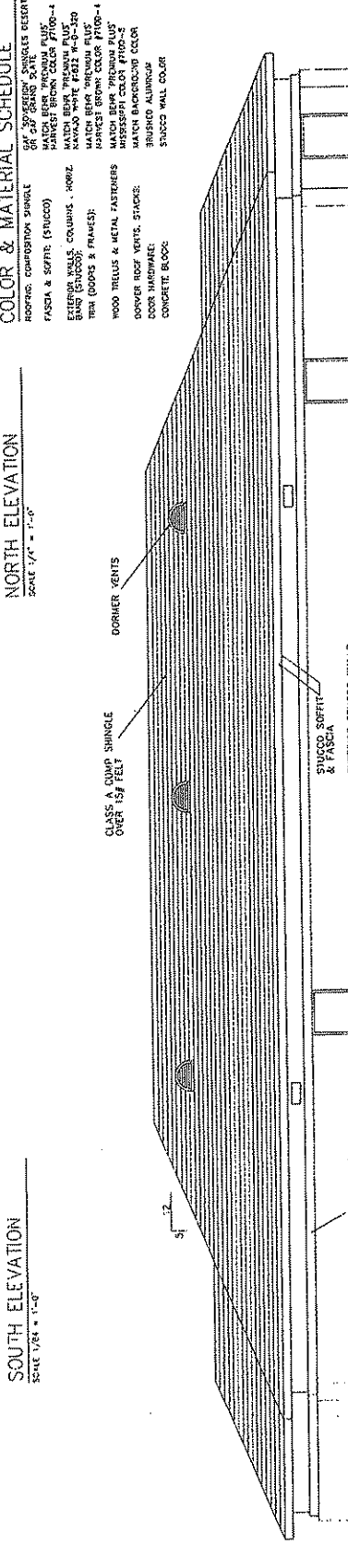
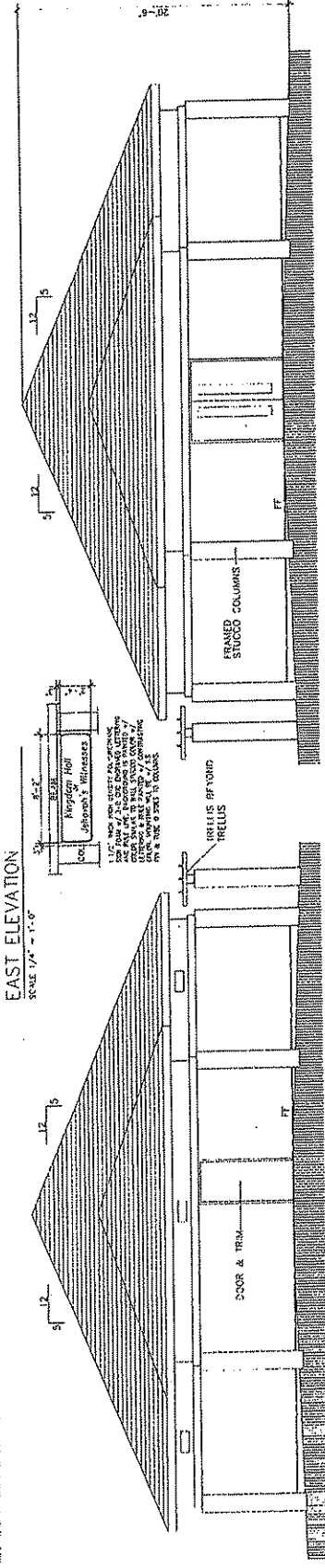
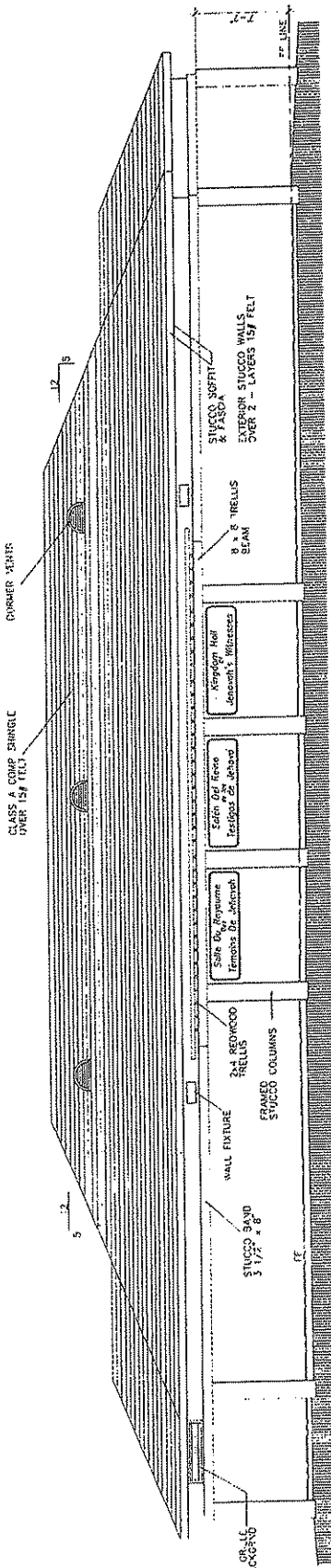
DATE 8-01-07
SHEET No. A-1
SHEET 52



FLOOR PLAN
1/4" = 1'-0"



REV.	DATE	DESCRIPTION
1		
2		
3		
4		



COLOR & MATERIAL SCHEDULE

NOTES:	DESCRIPTION	QUANTITY	UNIT
1	ROOFING: COMPOSITION SHINGLE OR 20 YEAR SHINGLES		SQ. FT.
2	ROOFING: 3/4\"/>		
3	ROOFING: MATCH BEAM PREMIUM PLUS		LF
4	ROOFING: MATCH WHITE FIBR 14-1-20		LF
5	ROOFING: TRIM (GUTTERS & FRAMES):		LF
6	ROOFING: MATCH BEAM PREMIUM PLUS		LF
7	ROOFING: MISSISSIPPI COLOR #100-2		LF
8	ROOFING: MATCH BLACKWOOD COLOR		LF
9	ROOFING: BRUSHED ALUMINUM		SQ. FT.
10	ROOFING: STUCCO WALL COLOR		SQ. FT.
11	ROOFING: CONCRETE BLOCK		SQ. FT.
12	ROOFING: DOWNER ROOF VENTS, STACKS:		EA.
13	ROOFING: DOOR HARDWARE:		EA.
14	ROOFING: CONCRETE BLOCK		SQ. FT.

SCALE 1/4" = 1'-0"
 SCALE 1/4" = 1'-0"
 SCALE 1/4" = 1'-0"
 SCALE 1/4" = 1'-0"

WILLIAM DOWLING
ARCHITECT
407 ISLAND AVE
MILPITAS CA
95035-8556



REGION 4 DESIGN GROUP
2518 W. 15TH STREET
GARDENA CA 90248
EDWARD SAUTTER CRUZ
310 612 4574

NO.	DATE	DESCRIPTION

LOS ALAMITOS KINGDON HALL
OF LEHOVAH'S WITNESSES
5522 BELGRAVE AVE
GARDEN GROVE CA 92643

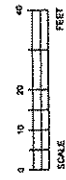
DATE: 1/29/97
SHEET NO.: E0-1
SHEET OF

NO.	DATE	DESCRIPTION

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NO.	DATE	DESCRIPTION



TOTAL LIGHTING CONCEPTS
JOSE C. SAN BERNARDINO RD. CORONA, CA 92703
PHONE: (951) 242-0733 FAX: (951) 242-0734 WWW: TDC.COM

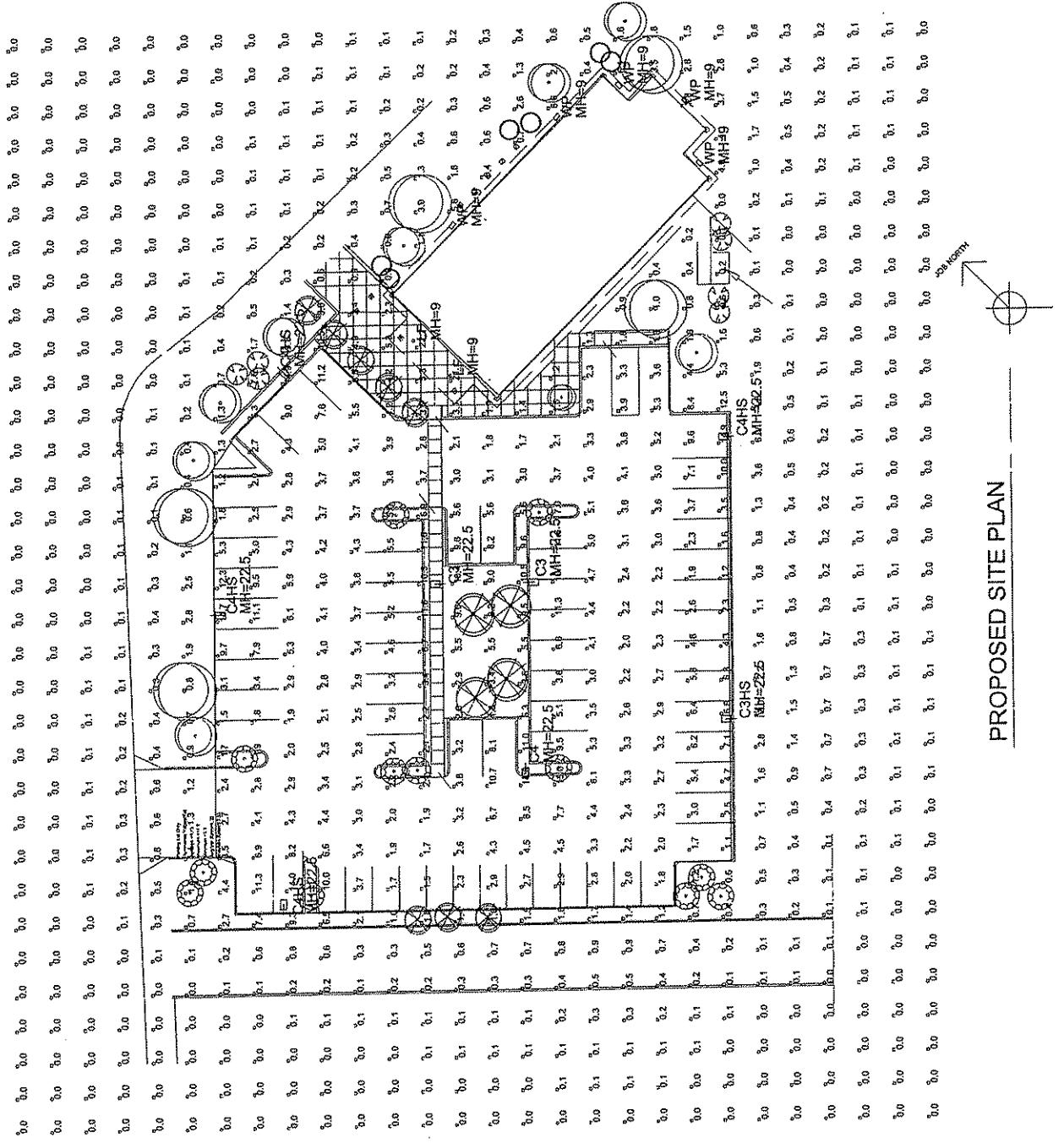
Kingdom Hall Los Alamitos

CURT: XXX

SCALE: FEET FILE: tc\isablah\01.adm

DATE: 07/31/2007 SALES PERSON: Koni Bonnett

THESE DRAWINGS ARE FOR CONCEPTUAL USE ONLY AND ARE NOT INTENDED FOR CONSTRUCTION. FOR MORE INFORMATION CONTACT THE SALES DEPARTMENT AT THE ABOVE ADDRESS. DATA SUPPLIED BY LAMP MFG. AND TESTING LABS.



PROPOSED SITE PLAN

RESOLUTION NO. 5619

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-433-07 AND CONDITIONAL USE PERMIT NO. CUP-218-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 6, 2007, approved Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 for property located south side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at 5852 Belgrave Avenue, Assessor Parcel No. 224-243-12.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Los Alamitos Congregation of Jehovah's Witnesses.
2. The applicant requests approval of a Site Plan and Conditional Use Permit to allow the demolition of an existing 3,147 square foot religious building, and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single Family Residential) zone.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Low Density Residential and a zoning of R-1 (Single Family Residential). The site is a currently improved with a religious facility.
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 December 6, 2007, 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 December 6, 2007; 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 Sections 9.24.030, are as follows:

FACTS:

The site is an existing legal lot, which was improved as a church in the mid-1960s and was legally subdivided as a part of Parcel Map No. 125-7 in 1978 to a legal lot less than one acre in area.

The site has a General Plan Land Use Designation of Low Density Residential.

The site is zoned R-1 (Single Family Residential)

The site is currently improved with a religious facility.

The project, as designed, meets or exceeds all Municipal Code requirements.

Churches and religious institutions are conditionally permitted uses in the R-1 (Single Family Residential) zone.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of the City's General Plan, and Title 9.

The project complies with the Low Density Residential General Plan Land Use designation and the R-1 (Single Family Residential) zone. Additionally, the site is currently improved with a religious facility. The existing improvements will be removed and new facilities will be constructed. The building and site design, reconfigured parking area and landscaping are consistent with the spirit and intent of the requirements of the City's Municipal Code and the development standards for churches and religious institutions.

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 drive aisles and maneuvering areas are adequate for vehicle access. The site plan, as proposed, meets or exceeds the parking requirements of title 9 for the proposed uses. Additionally, there is adequate pedestrian access provided throughout the project.

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

The existing streets, utilities and drainage facilities within the area are adequate to accommodate the project. The proposed on-site circulation and the number of parking spaces are sufficient for the development.

4. The project will not adversely impact the Public Works Department's ability to perform its required function.

The project has been reviewed by the Public Work's Department, which has required various on-site improvements within the parking lot to improve on-site circulation and grading. Issues raised by the project have been addressed in the project design and the conditions of approval.

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 be an enhancement to the site and surrounding area as well as to create an attractive environment.

Conditional Use Permit:

1. The use is consistent with the goals and objectives of the General Plan.

The proposed religious facility is consistent with General Plan goal of providing activities that support the surrounding residential area. Additionally, through the recommended conditions of approval, the operation of this facility will comply with all applicable code provisions, thus making it consistent with the City's General Plan, the R-1 (Single Family Residential) zone, the church and religious institution development standards and the Redevelopment Plan.

2. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

As conditioned, the use will be harmonious with the persons who work and live within the area provided the conditions of approval are adhered to for the life of the project.

3. The use will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site.

The use will be compatible with the surrounding area provided that the conditions of approval are adhered to for the life of the project.

4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

Conditions of approval for the use have been included to ensure that the public health, safety, and welfare will not be jeopardized.

INCORPORATION OF FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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 Site Plan and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A", shall apply to Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07.

ADOPTED this 6th day of December, 2007.

/s/ RON PIERCE
VICE CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 6th, 2007, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM
VACANCY:	COMMISSIONERS:	ONE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is December 27th, 2007.

EXHIBIT "A"

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

South Side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at
5852 Belgrave Avenue

CONDITIONS OF APPROVAL

General Conditions

1. 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 prior to issuance of any building permits. 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.
2. Approval of this Site Plan and 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.
3. Modifications which do not change the intent of the project may be approved by the Community Development Director. If modifications are made in the proposed development that result in the intensification of the project or create impacts that have not been previously addressed, the appropriate entitlement applications shall be filed which reflect the revisions made.
4. 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 City's Planning Section. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting in the parking areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the windows of adjacent properties.
5. The developer shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval during the Building Division plan check. The project shall also be subject to the following:
 - a. All on- and off-site utilities within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
 - b. Utility equipment above ground (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas, or any

parking areas and shall be screened to the satisfaction of the Community Development Department.

- c. 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 Development Department prior to the issuance of building permits. Said 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.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Engineering Services Division

7. 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. The developer shall be responsible to remediate any soil or groundwater contamination prior to the issuance of a building permit. The remediation shall be implemented in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall also make recommendations for pavement design of the interior drive aisle and parking spaces.
8. A separate street permit is required for work performed within the public right-of-way.
9. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
10. The application shall be subject to Traffic Mitigation Fees.
11. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the

applicant shall submit to the City for review and approval a Water Quality Management Plan that:

- a. Addresses Site Design BMPs such as 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 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.

12. 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.

13. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards.

14. Any new trash enclosures shall be constructed per Garden Grove Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
15. The new driveway approach on Laurelton Avenue shall be constructed in accordance with City Standard Plan B-121.
16. Prior to the issuance of a grading plan, the applicant is required to post bonds to secure the required on-site and off-site improvements.
17. The applicant shall remove and replace all uplifted and damaged sidewalk panels adjacent to city street trees along the property frontage, in a manner meeting the approval of the City Streets Division Manager. Should trees need to be removed to facilitate the new sidewalk construction, additional trees may be required behind the sidewalk on private property.
18. Prior to issuance of certificates of use and occupancy the applicant shall remove and reconstruct the alley along the western property line in a manner meeting the approval of the City Engineer. Required improvements shall include the following:
 - a. Removal and reconstruction of the v-gutter.
 - b. Cold planning and overlaying the AC pavement.
 - c. Removal of the cross gutter at the intersection of Laurelton Avenue. The new cross gutter shall be constructed in accordance with City Standard Plan B-119.
 - d. Constructing two new ADA compliant handicapped ramps (one on each side of the required cross gutter).

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19. Any new water service installations 2-inches 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-inches and larger, shall be installed by developer/owner's contractor per City Standards.
20. Any new water meters shall be located within the public right-of-way. Fire services and large water services 3-inches 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.

21. 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 Service Division.
22. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
23. City shall determine if existing water service(s) is/are usable and meets current City Standard. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
24. If required the Water Services Division and the Fire Department shall determine location and number of fire hydrants.
25. Owner shall install new sewer lateral with clean out at right-of-way lines. Lateral in the public right-of-way shall be 6-inch minimum diameter, extra strength VCP with wedgelock joints.
26. 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.

Fire Department

27. Address numbers shall be visible from the street in contrasting colors.
28. For all gated areas, a Knox box key system shall be in place for emergency access.

Building Services Division

29. The building plans, including grading and site development plans and all construction activity shall comply with the current editions of the California

Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.

Community Development Department

30. The developer shall submit a final landscape plan governing the entire site. Said plan shall include type, size, location and quantity of all plant material. This includes enhanced landscaping and hardscape treatment around the entire site. Landscape materials shall be consistent with the landscape materials used within the surrounding development. The plan shall include irrigation plans and staking and planting specifications. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation 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 or other variety as approved shall be used. Any plant material within the subject parcel retained and not affected by the proposed construction may be counted toward this requirement.
 - c. The developer shall be responsible for installation and maintenance of all landscaping on the property.
 - d. 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.
31. No exterior piping, plumbing, mechanical ductwork, and/or roof access ladders shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property. Any roof access ladder shall be inside the building.
32. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
33. The developer shall construct and maintain a trash enclosure(s) area per City standard, and utilize the service area for the storage of the trash container(s). Trash enclosure doors shall be kept closed and secured except during trash disposal or pickup. Any alternate trash enclosure design shall be reviewed and approved by the Planning Division prior to issuance of building permits.
34. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community Development Department, Planning Division. Should satellite dish antenna(s) be proposed, they shall be placed and screened so that they are not visible from the public right-of-way or adjoining properties. No advertising material shall be placed thereon.
35. All lighting on the project site shall be enclosed in vandal resistant fixtures. The fixtures shall be maintained and replaced as needed. Up lighting is encouraged on the building exterior to further enhance the building's appearance.
36. Prior to the start of construction, temporary security fencing shall be erected if necessary. The fencing shall be a minimum of six (6) feet in height with locking, gated access, and shall remain through the duration of construction.
37. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developer's name, address, and a 24-hour emergency telephone number.
38. The developer shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 with all conditions of approval.
39. Graffiti shall be removed from the project site and all parking lots under the control of the developers within 120 hours of notification.
40. Signage for the project site shall be as follows:

FINAL

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

- a. Wall signs and one (1) monument sign may be permitted and shall conform to the sign criteria under Title 9 of the Municipal Code. All signage shall be reviewed by the Community Development, Planning Division, prior to installation. All signs require separate permits.
- 41.No amplification systems shall be permitted outside of a fully enclosed building. The sound emitted from any loud speakers shall not extend beyond the walls of the building.
- 42.All requirements of the Garden Grove Building division and Fire Department shall be met, including any required occupancy permits and inspections.
- 43.The architectural elevations as submitted in the application for entitlement approval are an integral part of the approval process. Therefore, no changes to the elevations, including the colors and materials, are permitted unless reviewed by and approved by the Planning Commission.
- 44.A copy of the resolution approving Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, including the conditions of approval, shall be kept on the premises at all times.
- 45.In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b	SITE LOCATION: South side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at 5852 Belgrave Avenue
HEARING DATE: May 8, 2008	GENERAL PLAN: Low Density Residential
CASE NOS.: Site Plan No. SP-433-07 Revised '08	ZONE: R-1 (Single-Family Residential)
APPLICANT: Los Alamitos Congregation of Jehovah's Witnesses	APN.: 224-243-12
PROPERTY OWNER: Same	CEQA DETERMINATION: Exempt

REQUEST:

The applicant requests approval of a revision to Site Plan No. SP-433-07 to allow the proposed building to be constructed approximately 1.75 feet closer to Belgrave Avenue, thereby reducing the front setback from 20 feet to approximately 18.25 feet.

BACKGROUND:

Site Plan No. SP-433-07 was approved along with Conditional use Permit No. CUP-218-07 in December 2007, and allows the demolition of an existing 3,147 square foot religious building, and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone.

DISCUSSION:

During the preparation of structural plans for this development it was determined by the surveyor that the actual lot shape is different than the recorded documents indicate. Therefore, the building would need to be constructed with a front setback of approximately 18.25 feet. The minimum front setback in this area is 15 feet. The proposed setback is in compliance with all other applicable Municipal Code requirements.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Approve Site Plan No. SP-433-07 Revised '08.

By: Paul Wernquist
Urban Planner

DECISION NO. 1546

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-433-07 REVISED '08.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Site Plan No. SP-433-07 Revised '08, for property located on the south side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at 5852 Belgrave Avenue, Assessor Parcel No. 224-243-12.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-433-07 Revised '08 and Conditional Use Permit No. CUP-218-07, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Los Alamitos Congregation of Jehovah's Witnesses.
2. The applicant is requesting approval of a revision to Site Plan No. SP-433-07 to allow the proposed building to be constructed approximately 1.75 feet closer to Belgrave Avenue.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single Family Residential). The site is improved with a church.
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 8, 2008, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of May 8, 2008; 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 9.24.030, are as follows:

FACTS:

The site is an existing legal lot, which was improved as a church in the mid-1960s and was legally subdivided as a part of Parcel Map No. 125-7 in 1978 to a legal lot less than one acre in area.

The site has a General Plan Land Use Designation of Low Density Residential.

The site is zoned R-1 (Single Family Residential)

The site is currently improved with a religious facility.

The project, as modified, meets or exceeds all Municipal Code requirements.

Churches and religious institutions are conditionally permitted uses in the R-1 (Single Family Residential) zone.

FINDINGS AND REASONS:

MODIFICATION TO APPROVED SITE PLAN:

1. The proposed modification does not require an application for waiver or variance in that the proposed change meets the code provisions for the R-1 (Single Family Residential) zone under Title 9.
2. The proposed modification does not adversely affect the original design or quality of the proposed project. The plan maintains the same building design with only a minor change to the front setback. The proposed front setback is consistent with the development standard for the R-1 (Single Family Residential) zone. The modification does not change the floor plan or the square footage of the building.
3. The proposed change does not adversely affect the adjoining properties in that the proposed modification does not change the original site design in regard to access and circulation, architecture, parking, and overall site layout.

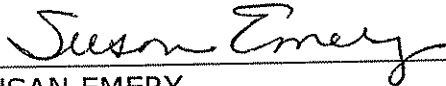
INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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. The Modification to Approved Plans possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Modification to Approved Plans).

Dated: May 8, 2008



SUSAN EMERY
ZONING ADMINISTRATOR

EXHIBIT "A"

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

South Side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at
5852 Belgrave Avenue

CONDITIONS OF APPROVAL

General Conditions

1. 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 prior to issuance of any building permits. 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.
2. Approval of this Site Plan and 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.
3. Modifications which do not change the intent of the project may be approved by the Community Development Director. If modifications are made in the proposed development that result in the intensification of the project or create impacts that have not been previously addressed, the appropriate entitlement applications shall be filed which reflect the revisions made.
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Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07

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- 41.No amplification systems shall be permitted outside of a fully enclosed building. The sound emitted from any loud speakers shall not extend beyond the walls of the building.
- 42.All requirements of the Garden Grove Building division and Fire Department shall be met, including any required occupancy permits and inspections.
- 43.The architectural elevations as submitted in the application for entitlement approval are an integral part of the approval process. Therefore, no changes to the elevations, including the colors and materials, are permitted unless reviewed by and approved by the Planning Commission.
- 44.A copy of the resolution approving Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07, including the conditions of approval, shall be kept on the premises at all times.
- 45.In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND THEREBY DENYING APPEAL OF SITE PLAN NO. SP-433-07 AND CONDITIONAL USE PERMIT NO. CUP-218-07

WHEREAS, the case, initiated by the Los Alamitos Congregation of Jehovah's Witnesses, requested to allow the demolition of an existing 3,147 square foot religious building, and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) zone, for property located on the south side of Laurelton Avenue between Belgrave Avenue and St. Mark Street at 5852 Belgrave Avenue, Parcel No. 224-243-12; and

WHEREAS, the City of Garden Grove has determined that this action is exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act; and

WHEREAS, pursuant to Resolution No. 5662, the Planning Commission, at a public hearing on November 6, 2008, approved Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07; and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on December 9, 2008, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of December 9, 2008.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

1. The City Council upholds the decision of the Planning Commission and hereby denies the appeal of Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07 pursuant to facts and reasons stated in Planning Commission Resolution No. 5662, a copy of which is on file in the office of the City Clerk and incorporated herein by reference with the same force and effect as set forth in full.