

zone permitting such use, and the proposed zone for the property is R-1-7 (Single Family Residential), which is a zoning category that permits religious facilities, subject to Conditional Use Permit approval, and is consistent with the General Plan Land Use designation of Low Density Residential.

Site Plan Proposal:

The proposed development includes removing the existing one-story office building on the 1.8 acre site, and to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement.

Conditional Use Permit:

Title 9 requires religious facilities to obtain a Conditional Use Permit to conduct religious activities in residential zones. The purpose for the Conditional Use Permit is to regulate the use so that it is compatible with surrounding properties and does not create nuisances that become detrimental to the immediate area. The applicant indicates that most of their activities are conducted inside the Temple, such as basic living, prayer and study of their religious beliefs, Sunday services and one Saturday a month worship service, as well as having wedding and funeral services. The Temple will also hold two or three celebrations a year that have potential to draw large numbers of people.

Planning Commission Meeting:

On March 5, 2009, the Planning Commission held a public hearing on the proposed development. At the public hearing, four persons spoke representing the applicant, five people spoke in favor and three persons spoke with concerns about the proposal. Those who spoke in favor gave an overview of Buddhism; indicated how the facility would operate; and expressed that the proposed use would be a benefit to the community.

Those in opposition primarily expressed concern about traffic and parking which would impact their neighborhood with increased traffic and make it difficult for those living on or near Nutwood Street to pull out onto Nutwood Street. In addition, the residents expressed concern that the temple's parking overflow would occur on Nutwood and surrounding residential streets.

The Planning Commission considered the application and the public testimony. The Commission recommended approval of the General Plan Amendment and the Zone Change; and, approved the Site Plan and Conditional Use Permit with conditions of

approval subject to City Council's approval of the General Plan Amendment and the Zone Change, all by a vote of 7-0.

DISCUSSION

Appeal of the Site Plan and Conditional Use Permit:

Sean Matsler of Manatt, Phelps, and Phillips, LLP, on behalf of Tri Nguyen Thich Vietnamese Buddhist Temple, has appealed the Site Plan and Conditional Use Permit, specifically Conditions of Approval, conditions Nos. 14, 15, 18, 19, 52, and 53, as applied to the proposed Buddhist Temple. The following lists each condition appealed and a discussion on each condition with both the appellant's position on why the condition should be removed and Staff's response as to why each condition should remain in effect.

Condition Nos. 14 and 15:

14. The applicant shall reconstruct the alley apron along Nutwood Street. The new alley approach shall be constructed per City Standard Plan No. B-118 in a manner meeting the approval of the City Engineer.

15. The applicant shall remove and replace all uplifted sidewalk panels adjacent to city street trees in a manner meeting the approval of the City Streets Division Manager. All street trees are to be removed and tree wells to be concrete filled per City Streets Division Manager. All USA markings shall be removed prior to completion of the project, and maintain the site free of graffiti and utilize landscaping to minimize/prevent graffiti.

Appellant's Responses: Condition No. 14 should be modified or deleted. The Applicant should not be responsible for the entire cost of reconstructing the Nutwood Street alley apron, which reconstruction would benefit the City as a whole. No legal nexus exists for this condition.

Condition No. 15 should be modified or deleted. The Applicant should not be responsible for the entire cost of the sidewalk improvements contemplated by Condition No. 15, as these improvements would benefit the City as a whole. No legal nexus exists for this condition.

Staff's Response: The City's Municipal Code, State Statutes, prior conditions of approval, and American with Disabilities Act (ADA), all apply to these conditions and support having these two conditions implemented with the project. The Municipal Code Title 11, Chapter 12, Section 110, requires property owners to repair any sidewalk and/or alley that fronts along a public right-of-way. The Temple patrons are likely to use the sidewalk regardless of where they park their vehicles. It is

noted that some patrons live in the immediate neighborhood and may walk to the Temple, thereby facilitating a path of travel to the proposed Temple.

Access to the site has to meet ADA requirements. Both the sidewalk, due to uplifting, and the alley approach, which is not built to accommodate disabled person access at Nutwood Street, are not in compliance with ADA requirements, and therefore, reconstruction is necessary to bring the sidewalk and alley approach into compliance.

The rear of the site is designated for emergency ingress and egress for emergency vehicles, such as fire trucks. The current condition of the alley approach is broken concrete and will further deteriorate with continued use by heavy vehicles, and the access across the alley approach is not handicapped accessible. These conditions were part of the original conditions of approval when the Applicant first made the request for the construction of a Buddhist Temple on this site in February of 2005. In the settlement agreement between the Applicant and the City, the Applicant implicitly agreed to all prior conditions of approval.

Condition Nos. 18 and 19 (Renumbered to be 19 and 20 per the Final Conditions of Approval actual sequence)

19. The developer is required to demonstrate hydraulic adequacy for the connection to the City's sewer system and shall provide a sewer study. The study is to also include calculations for the maximum peak flows from the proposed development. A copy of the sewer study shall be provided to Sanitary District. The study shall be conducted for a minimum period of one-week at location(s) approved by the City. The Sanitary District shall approve the contractor and method of conducting the study. Sewer Master Plan indicates that this is a sewer deficient area and is scheduled for future replacement. If the sewer study verifies the system deficiency, then permits cannot be issued until such time that the Garden Grove Sanitary District has rectified the deficiency.

The sewer main in Chapman is below the District's flow criteria and would be adequate for the flows from the proposed development. The developer would be responsible for the engineering, City and County connection fees, permits and construction of a new sewer lateral connection to the Chapman sewer main.

20. If the Sanitary District determines from the sewer study that there is no sewer deficiency the following conditions shall apply:

- a. New water service installations shall be at owner's/developer's expense. Installation shall be by City forces upon payment of applicable fees, unless

otherwise noted. Fire services and larger water services (3" and larger) shall be installed by developer/owner's contractor per City Standards.

- b. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services (3" and larger) shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by a Public Works inspector.
- c. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division.

Appellant's Response: Condition 18 should be modified or deleted. This condition could impose a significant financial burden on the applicant, which would render the entire project infeasible. The City should have this data or be responsible for determining sewage capacity, particularly in light of the area-wide issues with the system.

Condition 19 should be modified or deleted. The Applicant should not be responsible for constructing an entirely new sewer lateral connection to the Chapman Avenue sewer main when other, less costly, alternatives are available that meet the City's goals.

Staff's Response: In regards to Condition No. 19 noted above (first condition regarding sewer connection), this condition is to verify that sewer flow capacities, as defined in the City's System Evaluation and Capacity Assurance Plan, are not exceeded. This Plan is required by the Waste Discharge Requirements (WDR) and mandated by the California Regional Water Quality Control Board. Failure to comply could lead to fines of up to \$25,000 per day to the City for violation of the WDR. Whenever there is a development that has discharge that may impact the City's sewer systems flows, we require that the cost for the flow study be borne by the developer and not the residents. This cost is from \$3,000 to \$5,000 per installation. If condition No. 20 above is done instead, then there is no need for the flow study to be done.

Condition No. 20 noted above (second condition regarding sewer connection) is an alternative to Condition No. 19, and gives the developer the choice to connect to the sewer system in Chapman Avenue, which has been confirmed to be capacity sufficient and within the WDR regulations. A new lateral connection would benefit

the property owner and not the public sewer system; therefore, the property owner shall bear the cost of this installation. The only other option is for the developer to wait until the Nutwood Street sewer project is completed, tentatively in 2012-2013. This capital improvements project will cost the Garden Grove Sanitary District approximately \$2 million.

Condition No. 19 noted above was part of the original conditions of approval when the Applicant first made the request for the construction of a Buddhist Temple on this site in February of 2005. In the settlement agreement between the Applicant and the City, the Applicant implicitly agreed to all prior conditions of approval. In light of the Applicant's concern on this matter, Staff did insert the optional condition No. 20 with the most recent application. In either case, the Applicant/Developer will have to tie into one sewer line; and the California Plumbing Code requires that the sewer lateral be properly sized and connected to a sewer system, a cost normally borne by the Applicant/Developer.

Condition No. 52:

52. The site is being improved with a new Buddhist Temple and is intended be used as a religious facility, as indicated by the applicant, Tri Nguyen Thich, who will reside on the property. The Temple is to be used for religious activities open to the public, which would include prayer or worship services, weddings, or funeral services. The premises does have living quarters for the Monks and Nuns of this religious order, however, the facility shall not be used as a boarding house or serve as temporary housing/living quarters other than that intended for the specific religious order residing on the site (i.e., the Monks and Nuns under Tri Nguyen Thich). Should any change in the religious activities occur, the filing of a new Conditional Use Permit and/or other proper entitlement(s) shall be required.

Appellants Response: Condition 52 should be modified or deleted. Although the Temple has no intention of using the on-site living quarters for any purpose other than the stated religious purpose, it believes that this condition goes beyond the City's police power authority. There may be occasions in the course of the Temple's activities when it will need to provide temporary accommodations to its members or visitors.

Staff's Response: This condition was part of the original conditions of approval when the Applicant first made the request for the construction of a Buddhist Temple on this site in February of 2005. In the settlement agreement between the Applicant and the City, the Applicant implicitly agreed to all prior conditions of approval. The City does have the ability to regulate types of places where a form of living accommodations occur, such as Boarding Houses, Hotels and Motels,

Community Care Facilities, Group Shelters, Half-way Houses, and Hospitals, all which require approval of a Conditional Use Permit.

In this regulatory process, conditions are placed on such uses to ensure the general nature of the use to be compatible with surrounding uses, but also to regulate, to the extent possible, that the use does not become a nuisance or have a negative effect on the surrounding environment. At the Planning Commission public hearing, it was indicated that the condition was not intended to restrict their activities as they relate to their religious practices, which would include providing temporary accommodations to its members or visitors.

Condition No. 53:

53. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning General Plan Amendment No. GPA-1-09(A), Amendment No. A-147-09, Site Plan No. SP-450-09, and Conditional Use Permit No. CUP-262-09. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

Appellant's Response: Condition 53 should be modified or deleted. Given the history of this project, including the settlement reached in Vietnamese Buddhism Study Temple in America v. City of Garden Grove (Case No. SACV06-728 CJC (RNBx)), it simply makes no sense for the Temple to be responsible for the City's defense costs in complying with the Religious Land Use and Institutionalized Persons Act.

Staff's Response: Although this condition was added to the most recent application for the development of the site with the Buddhist Temple project, it has been a condition that has been imposed on projects for the past two years. The condition does not apply to a direct challenge between the Applicant and the City, but to address third party lawsuit. Therefore, this application does not apply to a challenge brought by the Applicant.

FINANCIAL IMPACT

No financial impacts are anticipated with this request.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Adopt a Negative Declaration
- Adopt the resolution approving General Plan Amendment Resolution for GPA-1-09(A); and
- Introduce the attached ordinance for first reading approving Amendment No. A-147-09.

Staff recommends that the City Council:

- Uphold the Planning Commission decision approving Site Plan No. SP-450-09 and CUP-262-09, and thereby deny the Appeal of the Site Plan and Conditional Use Permit, as indicated on the attached City Council Resolution.



SUSAN EMERY
Community Development Director



By: Karl Hill
Planning Services Manager

Approved for Agenda Listing



Matthew Fertal
City Manager

- Attachment 1: Appeal Form
Attachment 2: Plan Amendment No. GPA-01-09(A) and Amendment No. A-147-09
Attachment 3: Planning Commission Minute Excerpt of March 5, 2009
Attachment 4: Planning Commission Resolution No. 5673 for GPA-01-09(A) and A-147-09
Attachment 5: Planning Commission Resolution No. 5674 for Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09 with Conditions of Approval
Attachment 6: Draft Resolution for General Plan Amendment No. GPA-01-09(A)
Attachment 7: Draft Ordinance for Zone Change Amendment No. A-147-09
Attachment 8: Draft City Council Resolution denying the Appeal of Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09

APPEAL

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

Request for City Council or Planning Commission
Public Hearing

2009 MAR 19 A 10:45

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. SP-450-09 & OIP-262-09, 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: .

See attached letter.

[Lined area for providing reasons for appeal]

(Use additional sheets if necessary)

Date: March 19, 2009 Appeal Fee (see reverse): \$100.00

Appellant: Sean Matsler of Manatt, Phelps & Phillips, LLP, on behalf of Tri Nguyen Thich Vietnamese Buddhist Temple

Address: 695 Town Center Drive, 14th Flr.

City & ZIP: Costa Mesa, 92626 Daytime Phone No.: (714) 371-2534

March 19, 2009

Client-Matter: 29211-060

BY HAND DELIVERY AND FACSIMILE (714) 741-5205

Garden Grove City Clerk
11222 Acacia Parkway
Garden Grove, CA 92840

Re: Appeal of SP-450-09 and CUP 262-09

To Whom It May Concern:

Manatt, Phelps & Phillips, LLP represents Tri Nguyen Thich and the Vietnamese Buddhism Study Temple in America, *Chua Quan Am* (collectively, the "Applicant.") The Applicant owns the property located at 10510 Chapman Avenue (APN 089-141-61, the "Project Site.") On March 5, 2009, the Garden Grove Planning Commission approved the following four actions in connection with a proposed religious facility on the Project Site (the "Project"):

- **General Plan Amendment No. GPA-1-09(A)** – To change the Project Site's land use designation from OP (Office Professional) to LDR (Low Density Residential.)
- **Amendment No. A-147-09** – To rezone the 1.8-acre Project Site to R-1-7 (Single-Family Residential) in order to allow a religious facility.
- **Site Plan No. SP-450-09** – To construct two, one-story buildings for religious purposes on the Project Site.
- **Conditional Use Permit No. CUP-262-09** – To allow the operation of a proposed religious facility on the Project Site.

The Applicant is grateful for the Planning Commission's approval of the Project on March 5, 2009. However, the Applicant is concerned that several of the Conditions of Approval associated with Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09 ("Conditions") impose unreasonable and unlawful burdens on the Applicant. Among other things, several of the Conditions violate the Religious Land Use and Institutionalized Persons Act. As such, the Applicant seeks to modify or delete a number of Conditions, including but not limited to the following:

Condition No. 14 – *"The applicant shall reconstruct the alley apron along Nutwood Street. The new alley approach shall be constructed per City Standard Plan No. 8-118 in a manner meeting the approval of the City Engineer."*

March 19, 2009

Page 2

Condition No. 14 should be modified or deleted. The Applicant should not be responsible for the entire cost of reconstructing the Nutwood Street alley apron, which reconstruction would benefit the City as a whole. No legal nexus exists for this condition.

Condition No. 15 – *“The applicant shall remove and replace all uplifted sidewalk panels adjacent to city street trees in a manner meeting the approval of the City Streets Division Manager. All street trees are to be removed and tree wells to be concrete filled per City Streets Division Manager. All USA markings shall be removed prior to completion of the project, and maintain the site free of graffiti and utilize landscaping to minimize/prevent graffiti.”*

Condition No. 15 should be modified or deleted. The Applicant should not be responsible for the entire cost of the public sidewalk improvements contemplated by Condition No. 15 as these improvements would benefit the City as a whole. No legal nexus exists for this condition.

Condition No. 18 – *“The developer is required to demonstrate hydraulic adequacy for the connection to the City’s sewer system and shall provide a sewer study.”*

Condition 18 should be modified or deleted. This condition could impose a significant financial burden on the applicant which would render the entire project infeasible. The City should have this data or be responsible for determining sewerage capacity, particularly in light of the areawide issues with the system.

Condition No. 19 – *“...The sewer main in Chapman is below the Districts flow criteria and would be adequate for the flows from the proposed development. The developer would be responsible for the engineering, City and County connection fees, permits and construction of a new sewer lateral connection to the Chapman sewer main.”*

Condition No. 19 should be modified or deleted. The Applicant should not be responsible for constructing an entirely new sewer lateral connection to the Chapman sewer main when other, less costly, alternatives are available that meet the City’s goals.

Condition No. 52 – *“...The premises does have living quarters for the Monks and Nuns of this religious order, however, the facility shall not be used as a boarding house or serve as temporary housing/living quarters other than that intended for the specific religious order residing on the site (i.e., the Monks and Nuns under Tri Nguyen Thich).”*

Condition No. 52 should be modified or deleted. Although the Temple has no intention of using the on-site living quarters for any purpose other than the stated religious purpose, it believes that this condition goes beyond the City’s police power

March 19, 2009

Page 3

authority. There may be occasions in the course of the Temple's activities when it will need to provide temporary accommodations to its members or visitors.

Condition No. 53 – *“The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning General Plan Amendment No. GPA-1-09(A), Amendment No. A-147-09, Site Plan No. SP-450-09, and Conditional Use Permit No. CUP-262-09. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse, the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney Fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.”*

Condition No. 53 should be deleted in its entirety. Given the history of this project, including the settlement reached in *Vietnamese Buddhism Study Temple in America v. City of Garden Grove* (Case No. SACV06-728 CJC (RNBx)), it simply makes no sense for the Temple to be responsible for the City's defense costs in complying with the Religious Land Use and Institutionalized Persons Act.

This appeal is timely pursuant to Garden Grove Municipal Code Section 9.24.120 as it was made within twenty-one (21) days of the Planning Commission's March 5, 2009 decision. In addition, the applicable appeal fee (\$100 for property owner appellants) and proper form have been submitted with this appeal. Finally, the Applicant hereby reserves the right to supplement this appeal and/or to appeal additional Conditions and/or decisions.

Sincerely,



Sean T. Matsler, Esq.

cc: Belinda Escobosa Helzer, Esq.
K. Luan Tran, Esq.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Southeast corner of Chapman Avenue and Nutwood Street at 10510 Chapman Avenue
HEARING DATE: March 5, 2009	GENERAL PLAN: Office Professional PROPOSED: Low Density Residential
CASE NOS.: General Plan Amendment No. GPA-1-09(A), Amendment No. A-147-09, Site Plan No. SP-450-09, Conditional Use Permit No. CUP-262-09	ZONE: OP (Office Professional) PROPOSED: R-1-7 (Single-Family Residential)
APPLICANT: Tri Nguyen Thich	APN NO.: 089-141-61
PROPERTY OWNER: Same	CEQA DETERMINATION: Negative Declaration

REQUEST:

The applicant is requesting to amend the General Plan Land Use designation by changing the current designation from OP (Office Professional) to LDR (Low Density Residential); to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility.

PROJECT STATISTICS:

	<u>Provided</u>	<u>Code</u>
<u>Lot Size:</u>	1.8 acres	1 acre
<u>Building Coverage:</u>	9,606 SF (11.5%)	N/A
<u>Parking: Total</u>	130 spaces	130 spaces
<u>Building Height:</u>	approx. 38 feet	50 feet
<u>Building Setbacks:</u>		
North (front)	60 feet	40 feet
East (side)	81 feet	5 feet
South (rear)	46.5 feet	25 feet
West (street side)	95 feet	15 feet
<u>Building Sizes:</u>		
Buddhist Temple	5,261 SF	
Living/residence	4,345 SF	

BACKGROUND:

The site consists of 1.8 acres of land and is located at the southeast corner of Chapman Avenue and Nutwood Street. The site is bounded by the Boys and Girls Club of Garden Grove to the east, across a twenty-foot wide alley are single-family homes to the south, across Nutwood Street, are single family residents and apartments to the west, and across Chapman Avenue are residential condominiums to the north. The site is currently improved with a one-story office building that has occupied the site for more that 30 years. These existing building improvements will be removed from the site upon project approval.

The site has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The property to the east has a General Plan Land Use designation of Office Professional and is zoned OP, to the south, the Land Use designation is Low Density Residential and is zoned R-1-7, to the west, the Land Use designation is Low Density Residential and Low Medium Density Residential and is zoned R-1-7 and R-2 respectively, to the north, the Land Use designation is Low Density Residential and is zoned Planned Unit Development Residential.

DISCUSSION:**General Plan Amendment:**

The property has a General Plan designation of Office Professional. The applicant is proposing to change the General Plan designation from Office Professional to LDR (Low Density Residential) in order to implement the project. The applicant is proposing to improve the site with a religious facility. The zones permitting such use under the residential land use category are the residential zones: R-1, R-2, and R-3. In order to have the property zoned residential, the General Plan Land Use designation has to be a residential Land Use designation. Changing the land use designation to Low Density Residential would allow compatibility in land use and promote complementary development with the adjoining properties.

Zone Change Amendment:

A Zone Change Amendment is proposed in conjunction with the requested General Plan Land Use change in order to maintain consistency between Land Use and zoning, and to allow for the implementation of the proposed development and subsequent use of the site for religious purposes. The current zone, Office Professional, does not permit religious uses. The property has to be rezoned to a zone permitting such use. The proposed zone for the property is R-1-7 (Single-Family Residential) zone, which is a zoning category that permits religious facilities subject to a Conditional Use Permit, and

which is consistent with the General Plan Land Use designation of Low Density Residential.

If the Planning Commission recommends approval of both the proposed General Plan Amendment and the rezone request, the matter will be forwarded to the City Council for their consideration and final action.

Site Design:

The proposed project is to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly and the second building for living/residence space that consists of 4,345 square feet in floor area. Both buildings have extended roof heights for architectural enhancement. The Temple is centered on the northern portion of the site and its main entrance faces Chapman Avenue. The building is set back from Chapman Avenue approximately 60 feet and within this setback will be the main walkway and landscaping. Surrounding the Temple on the east, south, and west is the required parking. The site has two access points, one from Chapman Avenue and one from Nutwood Street. The site's perimeter will be landscaped and landscape planters will be included within the parking area.

The Temple floor plan is one level and is intended for a combination of activities which include the main assembly hall for meetings and worship, office space, a library, and a private retreat for the Monks.

The second building, located directly south of the Temple, is the living quarters for the persons belonging to the religious order, and will include a kitchen and dining area, a lounge area, a tea room, and restrooms serving the facilities.

Building Architecture:

The building's exterior design is reflective of a traditional Asian Temple style of architecture with columns and windows on all four elevations, the roof being tile and the roof corners having an upward curve design. The exterior will be an off-white stucco finish with white and light brown trim colors.

Circulation:

The project will have two access points, one from Chapman Avenue and one from Nutwood Street. The one located on Chapman Avenue is located toward the east side of the site, farthest from the intersection of Chapman Avenue and Nutwood Street. The other access point is from Nutwood Street located approximately midway between Chapman Avenue and the rear alley. This driveway is conditioned to be restricted to right turn-in/out only for those persons exiting the site from this driveway. The site

provides the required number of parking spaces for this proposal and the parking spaces surround the Temple on three sides, (i.e., east, south and west).

Although the rear portion of the site does have access from Nutwood Street by way of the existing alley, the alley will only be used in the event of an emergency. The access points from the alley will remain gated at all times, however, it should be noted that the existing alley at the rear of the property will remain open to serve as an access to the Boys and Girls Club on the adjoining easterly property as well as the CHOC facility to the east of the Boys and Girls Club.

Conditional Use Permit:


Title 9 requires religious facilities to obtain a Conditional Use Permit to conduct religious activities in Residential zones. The applicant has expressed that although they are a religious order, they do not intend to conduct outside activities that will be of a nuisance or be detrimental to the surrounding area. The applicant indicates that most of their activities are conducted inside the Temple. Activities on the site are limited to basic living, prayer, and study of their religious beliefs; Sunday services; and possibly holding wedding and funeral services. The Temple will also hold two or three celebrations a year that have potential to draw large numbers of people. In light of these celebrations, the CUP does include conditions that set the parameters for such celebrations and minimizes potential impacts to the surrounding neighborhoods.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- Recommend City Council adopt a Negative Declaration; and,
- Recommend City Council approve General Plan Amendment No. GPA-1-09(A) and Zone Change Amendment No. A-147-09; and,
- Approve Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, subject to the conditions of approval.

SUSAN EMERY
Community Development Director

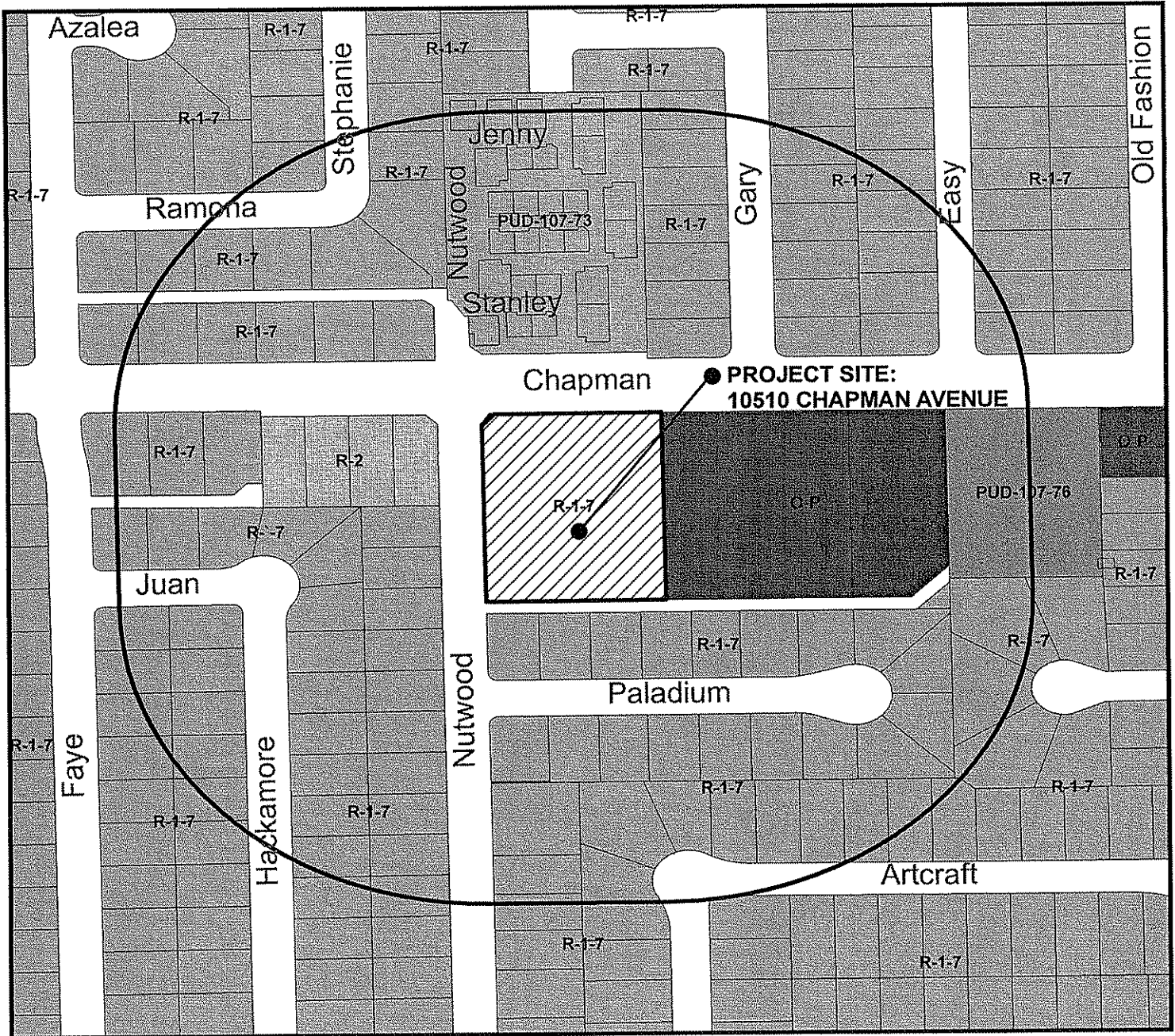
By: 
Karl Hill
Planning Services Manager




GENERAL PLAN AMENDMENT NO. GPA-1-09 (A)


RELATED CASE NO. A-147-09, SP-450-09 & CUP-262-09

GARDEN GROVE



LEGEND

 PROJECT SITE: 10510 CHAPMAN AVENUE

 500 FEET RADIUS

NOTES

1. GENERAL PLAN: OP (OFFICE PROFESSIONAL)
2. ZONE: OP(OFFICE PROFESSIONAL)



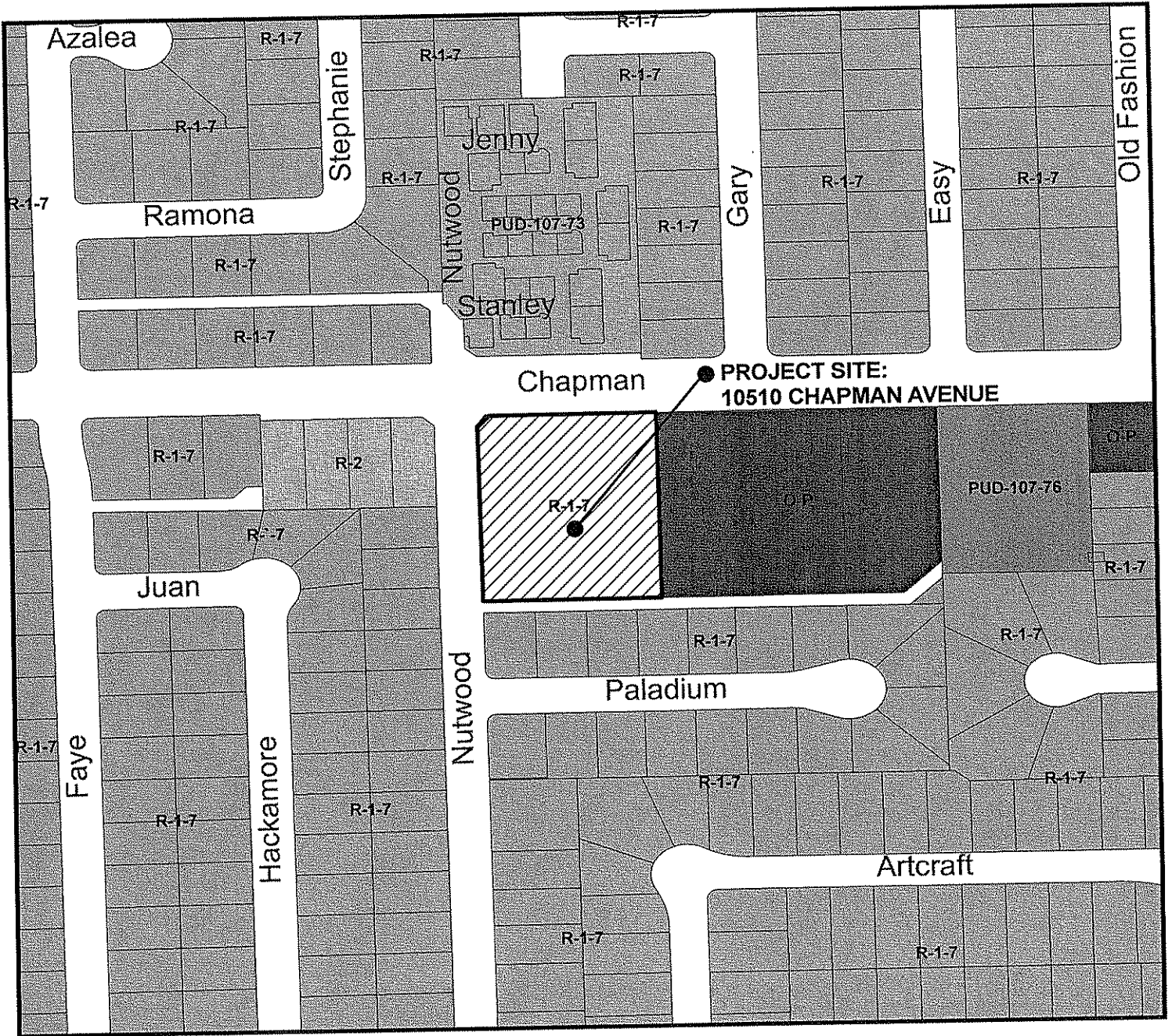
CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 FEBRUARY 2009



GARDEN GROVE

GENERAL PLAN AMENDMENT NO. GPA-1-09 (A) & AMENDMENT CASE NO. A-147-09

CHANGE FROM OFFICE PROFESSIONAL TO LOW DENSITY RESIDENTIAL
REZONE FROM OP TO R-1-7 (SINGLE FAMILY RESIDENTIAL)



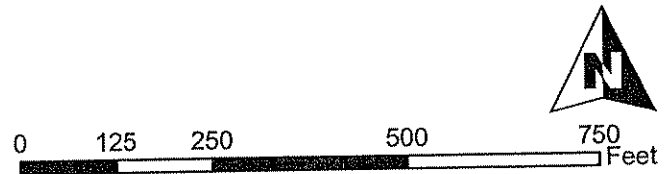
PROJECT SITE:
10510 CHAPMAN AVENUE

LEGEND

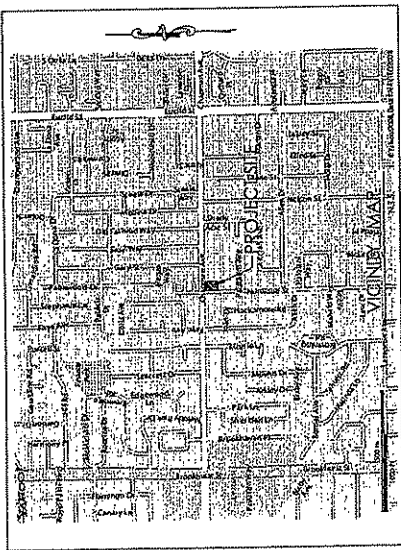
 PROJECT SITE

NOTES

SITE ADDRESS: 10510 CHAPMAN AVENUE



CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
FEBRUARY 2009



PROPERTY INFORMATION:
 THE SUBJECT PROPERTY IS A SINGLE-STORY BUILDING
 PROPERTY ADDRESS: 1010 CHAPMAN AVENUE, GARDEN GROVE
 AREA OF: 0.071733 AC (1.714 ACRES)

SOURCE OF DATA:
 CC RECORDS & LAND INFORMATION SYSTEMS
 (LAND & SURVEY RECORDS)
 ADDRESS: 205 CALIFORNIA STREET, ROOM # 232
 SANTA ANA, CA 92705-0000
 PHONE: (714) 845-4471

ACCESS NOTE:
 ACCESS TO THE SUBJECT PROPERTY VIA CHAPMAN AVENUE AND
 NUTWOOD STREET BOTH BEING PUBLIC HIGHWAYS.

NOTES:
 1. DUE TO THE EXISTING SURVEY NOT BEING RECORDED, PROPERTY
 LINE DATA SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.
 2. UNRECORDED UTILITY LOCATIONS WERE NOT RECORDED ON THIS PLAN.

BLOOD ZONE INFORMATION:
 ZONE: 100
 DISTRICT NUMBER: 001-18-04
 DATE: 02-18-04

TEMPORARY BENCHMARK:
 TO BE USED AS THE REFERENCE POINT OF THE PROLONGATION
 OF THE NUTWOOD STREET LINE OF TRACT NO. 2831 AND ELY CHRS
 ELEVATION: 100.167

BASE OF BEARINGS:
 THE BASE OF BEARINGS LISTED ON THIS SURVEY IS THE
 SANGRE DE LOS ANJOS MERIDIAN. ALL ANGLES AND DISTANCES
 SHOWN ON THIS PLAN ARE CALCULATED BASED ON GRS 83 AND 2011
 SHOWN ON THE REGIONAL COORDINATE DATA SHEET.

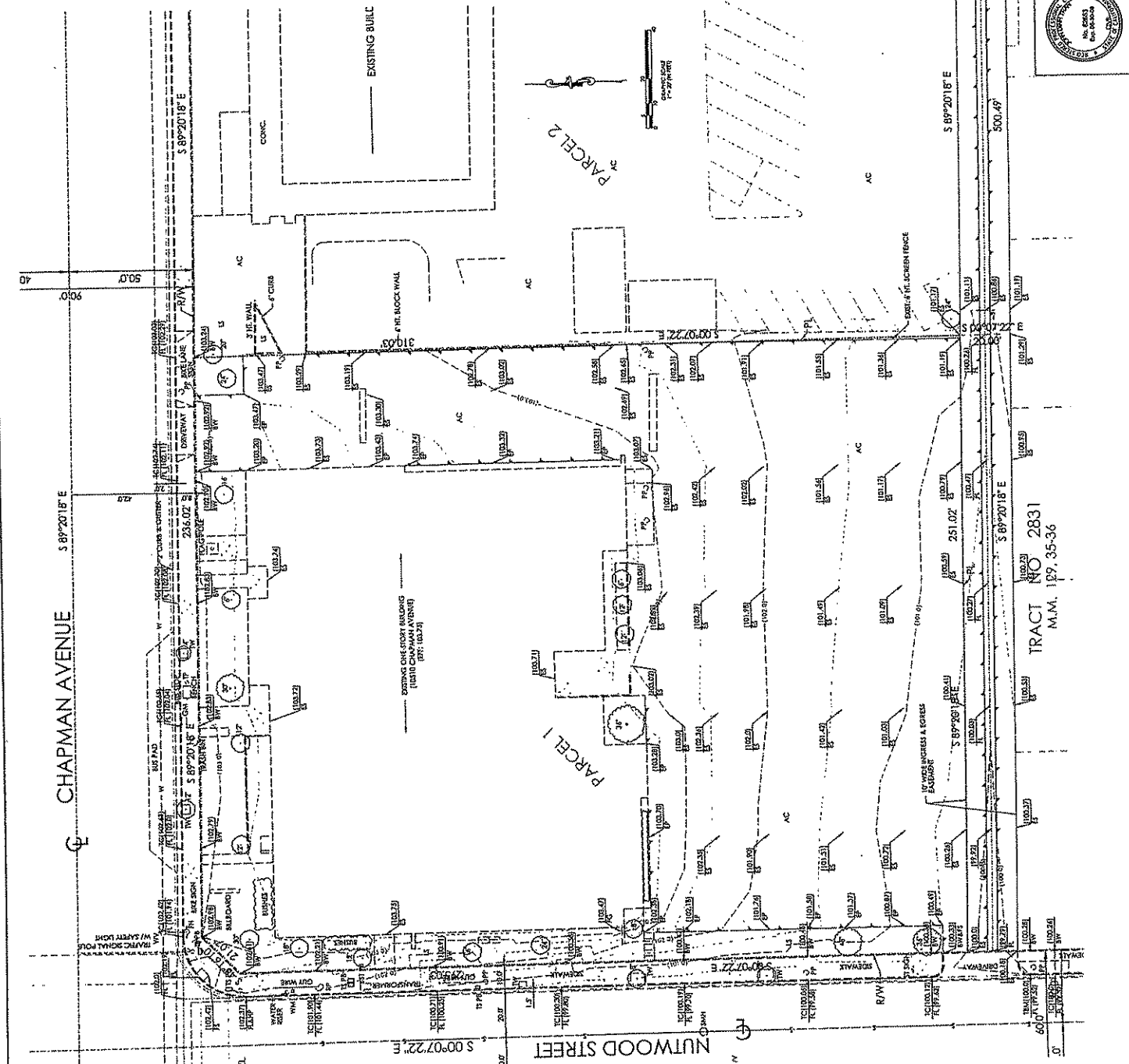
LEGAL DESCRIPTION:
 THE FOLLOWING DESCRIBED PROPERTY IS IN THE CITY OF GARDEN GROVE,
 COUNTY OF ORANGE, STATE OF CALIFORNIA.

PARCEL 1:
 A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
 OF SECTION 4 SOUTH, RANGE 16 WEST, AS PER MAP RECORDED IN BOOK 51,
 PAGE 10, COUNTY OF ORANGE, SAN JOSE MAPS, RECORDS OF THE COUNTY OF ORANGE,
 STATE OF CALIFORNIA.

- LEGEND:**
- AC --- ASPHALT PAVEMENT
 - AW --- ASPHALT DRIVEWAY
 - BW --- BACK OF WALK
 - CATV --- CABLE TELEVISION BOX
 - CHG --- CURB & GUTTER
 - CPL --- CATCH BASIN
 - CE --- CURB ELEVATION
 - ELEC --- ELECTRICAL
 - FC --- FINISHED CONCRETE
 - FR --- FINISHED FLOOR
 - FI --- FIRE IRON
 - FL --- FLOWLINE
 - FS --- FINISHED SURFACE
 - GE --- GRADE BREAK
 - GM --- GAS METER
 - HP --- HOT WATER HEATER
 - HW --- HATCH FOR PUMP
 - IR --- IRRIGATION
 - AG --- NATURAL GRASSLAND
 - CL --- CURB CURB
 - PA --- PLANNED AREA
 - PL --- PROPERTY LINE
 - RM --- MANHOLE RIM
 - R/W --- RIGHT OF WAY
 - RF --- SQUARE FEET
 - SI --- STREET LIGHT FIXTURE
 - SM --- SEWER MANHOLE
 - SCD --- SEWER CLEANOUT
 - TC --- TOP OF CURB
 - TS --- TRAFFIC SIGNAL
 - UB --- TOP OF UTILITY
 - US --- UTILITY SLOPE
 - UV --- TOP OF WALL
 - EW --- ELEVATION OF WALL
 - WR --- WOODRUM GROUND
 - WA --- WATER METER
 - WV --- WATER VALVE
 - WE --- EXISTING ELEVATION
 - 100 --- 100

LEGEND:

- 4 --- FIRE HYDRANT
- EDGE PAVEMENT
- M --- WATER VALVE
- D --- METER PULL BOX
- S --- SIRT
- BLOCK WALL
- STREET LIGHT ON POWER POLE
- FENCE
- LOTLINE
- EXISTING TREE
- BUSHES
- MANHOLE PITAL
- ON-SITE LIGHTING
- CONC. SURFACE
- UNKNOWN UTILITY PULL BOX



TOPOGRAPHIC SURVEY
 for
CHAPWOOD MEDICAL BUILDING
 Address: 1010 CHAPMAN AVENUE, GARDEN GROVE, CA

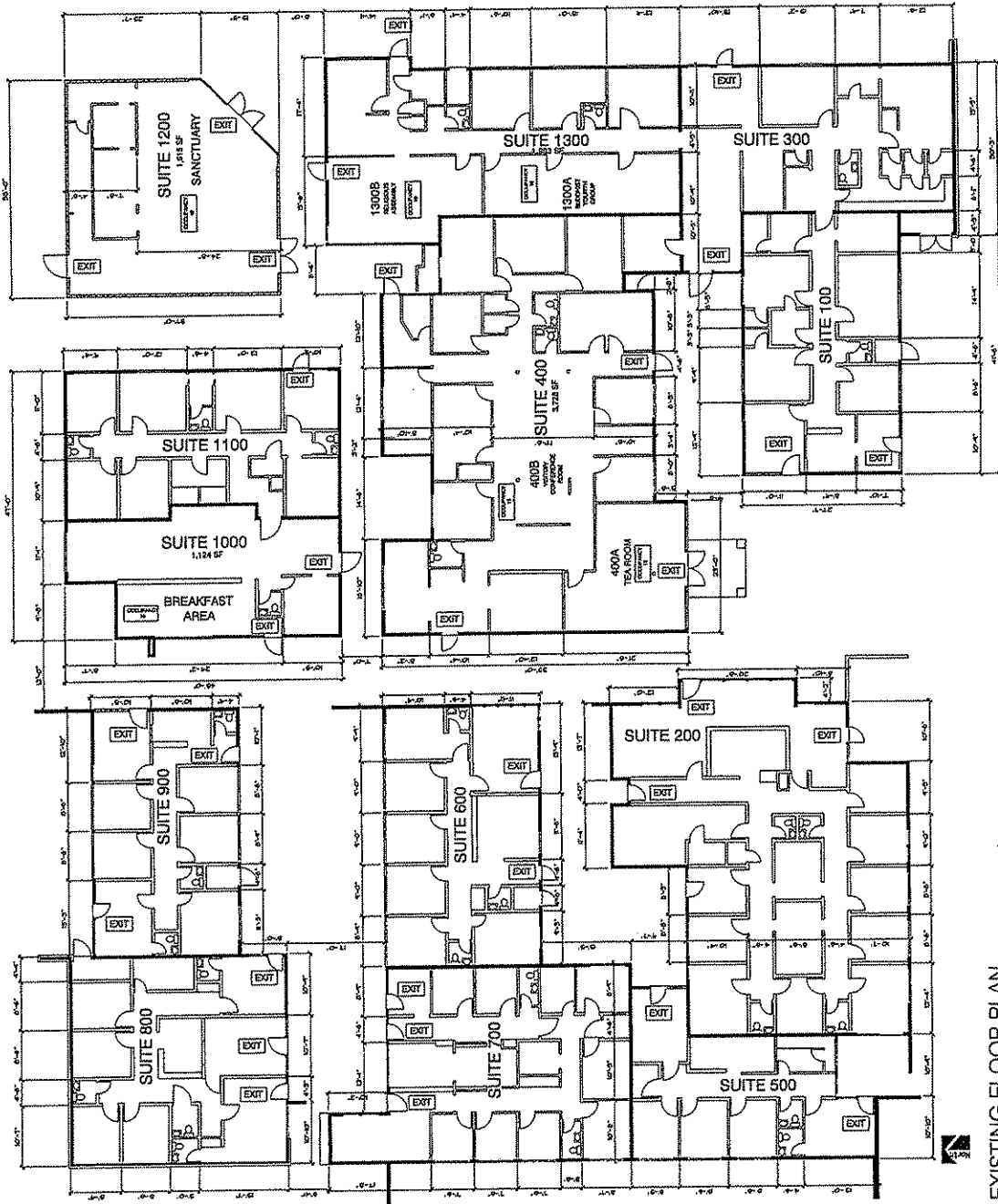
JTC CONSULTING ENGINEERS
 1010 CHAPMAN AVENUE, GARDEN GROVE, CA 92643
 PHONE: (714) 264-1200 FAX: (714) 264-1201

DATE: 11/11/2020
 DRAWN BY: JTC
 CHECKED BY: JTC

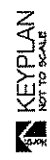
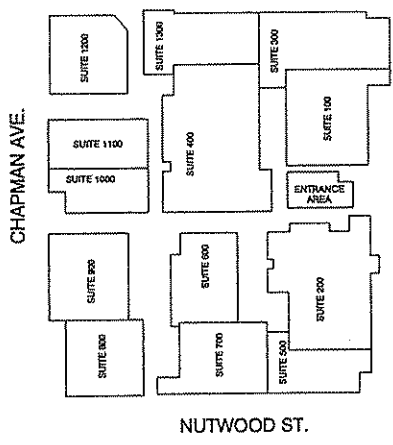
SCALE: 1" = 20'
 DATE: 11/11/2020
 CHECKED BY: JTC

APPROVED: _____
 DATE: 11/11/2020
 CHECKED BY: JTC





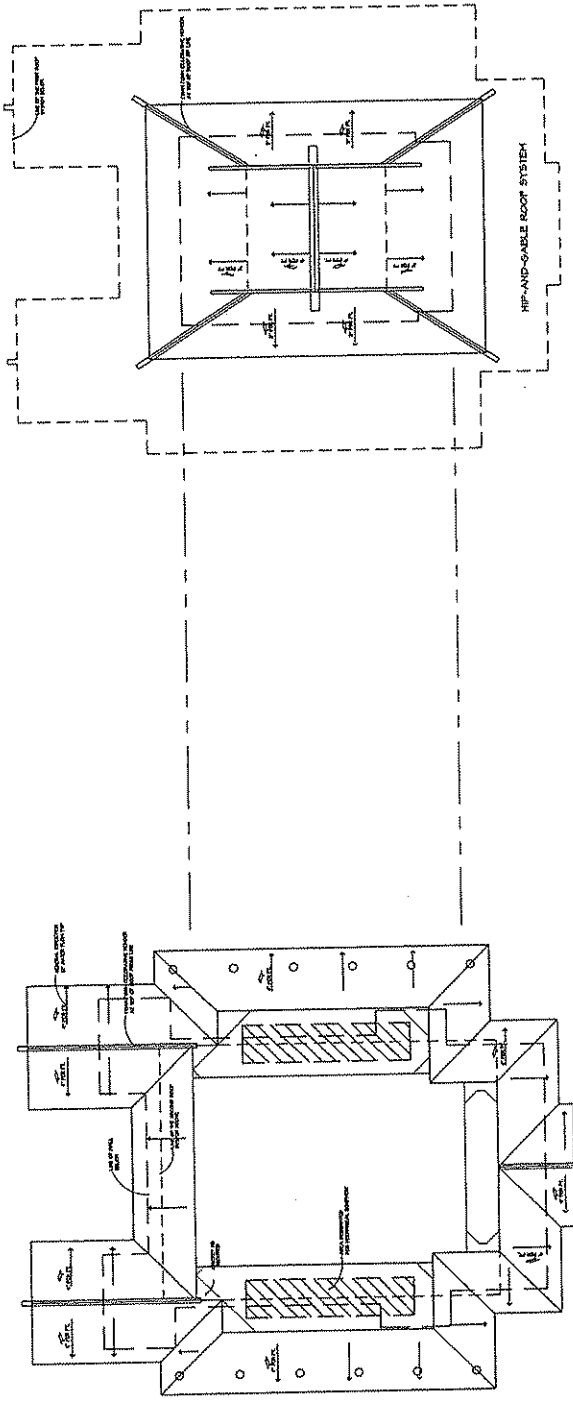
EXISTING FLOOR PLAN SCALE: 1/8" = 1'-0"



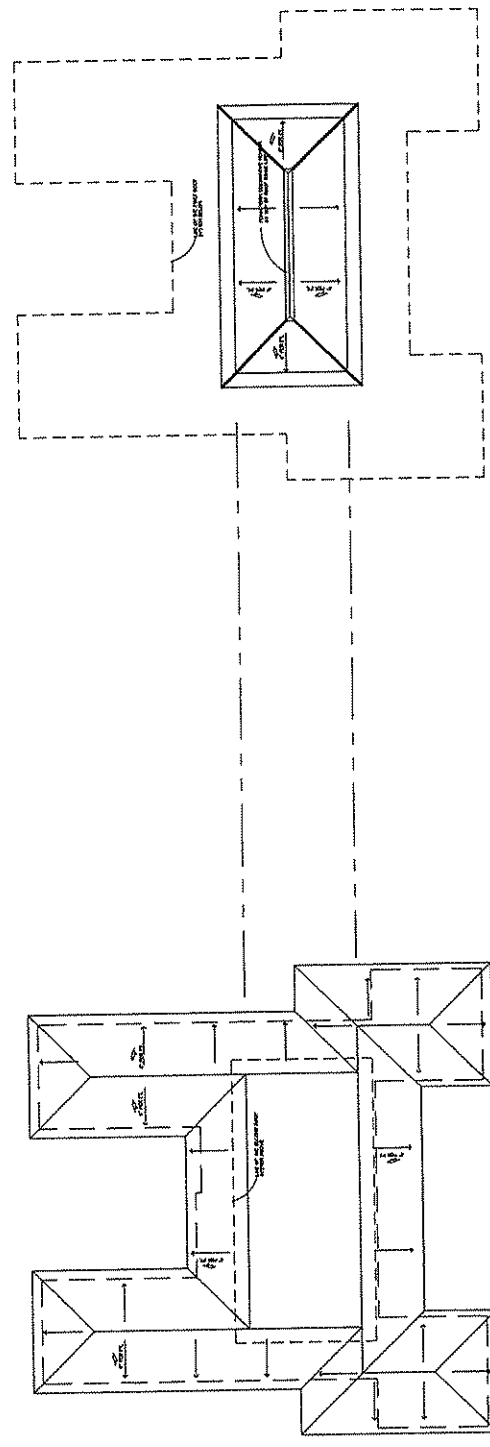
DATE: DEC. 15, 2008
 JOB#: 00004
 ARCHITECT: KEVIN L. HARRIS
 PROJECT: QUAN AM TEMPLE
 1100 NUTWOOD STREET
 GARDEN GROVE, CALIFORNIA

EXISTING FLOOR PLAN
QUAN AM TEMPLE
 SEC OF CHAPMAN AVE. AND NUTWOOD STREET
 GARDEN GROVE, CALIFORNIA

CONCEPT AND DESIGN BY KEVIN L. HARRIS ARCHITECTS INC. ALL RIGHTS RESERVED.



ROOF PLAN - PAD A (MAIN TEMPLE) SCALE: 3/32" = 1'-0"



ROOF PLAN - PAD B (LIVING FACILITY) SCALE: 3/32" = 1'-0"

ROOF PLAN - PAD A & PAD B

QUAN AM TEMPLE
 SEC OF CHAPMAN AVE. AND NUTWOOD STREET
 GARDEN GROVE, CALIFORNIA

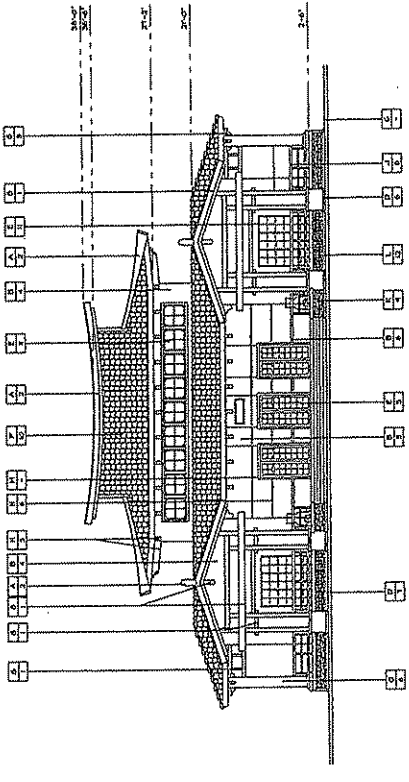
DATE: DEC 15, 2004
 JOB: QUAN AM TEMPLE
 ARCHITECT: AIAU STUDIO/LESSON
 67 AMESON AVE
 GARDEN GROVE, CA 92643
 PHONE: 714.942.8240

EXTERIOR MATERIALS

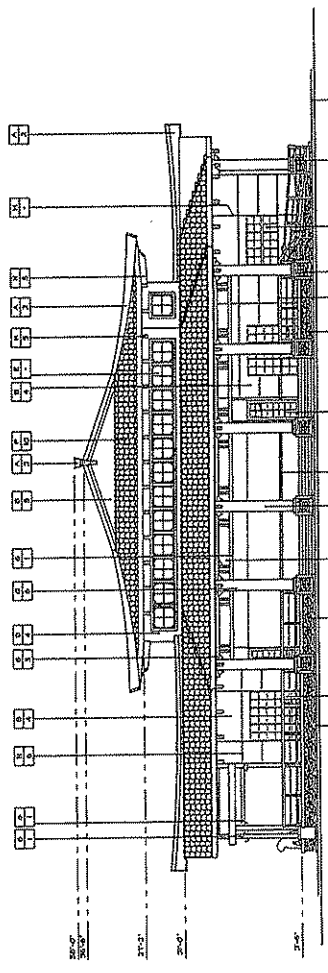
- 1. 100% COMPOSITIONAL TYPHOON RESISTANT LOCATED ALUMINUM ROOFTOP TOP ROOF RAMP
- 2. PLASTER FINISH
- 3. CONCRETE SERTALUX
- 4. CONCRETE GARD BASE
- 5. WOOD SIDING AND TRIM (WOOD TRIM, WINDOW BLINDS IN ALUMINUM TRIMMING SYSTEM)
- 6. CLADDING (WOOD TRIM, WINDOW BLINDS)
- 7. DECORATIVE CHARTRUISM TRIMMER
- 8. WOOD SHINGLES (WOOD TRIMMER AND CHARTRUISM TRIMMER)
- 9. REGULATIVE ROOF WATER FALLS / LEAKOFF WATER
- 10. METAL PAILING SYSTEM
- 11. STONE VENEER
- 12. PRECAST CONCRETE DECORATIVE ORNAMENTATION FINISH
- 13. 3/4" 100% TYPHOON RESISTANT
- 14. 1" THICK PLASTER WITH REVEALS
- 15. CLAY FOOT TILE
- 16. PRECAST CONCRETE ROUND COLUMN
- 17. ONE BLOCK PER COLUMN + SPURT FINISH
- 18. GARAGE DOOR
- 19. ROOFING

EXT. COLORS AND FINISHES

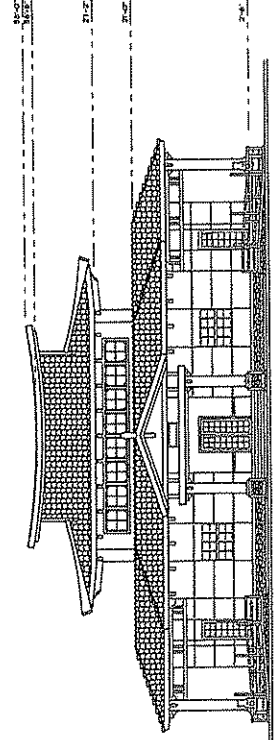
- 1. WHITE STAINLESS STEEL
- 2. MACHINED ALUMINUM
- 3. MACHINED ALUMINUM
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- 98. MACHINED ALUMINUM
- 99. MACHINED ALUMINUM
- 100. MACHINED ALUMINUM



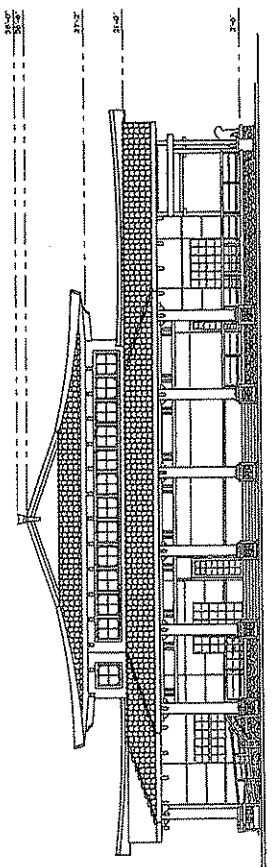
NORTH ELEVATION SCALE: 1/8" = 1'-0"



WEST ELEVATION SCALE: 1/8" = 1'-0"



SOUTH ELEVATION SCALE: 1/8" = 1'-0"



EAST ELEVATION SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATIONS - PAD A (MAIN TEMPLE)

QUAN AM TEMPLE
 SEC OF CHAPMAN AVE. AND NUTWOOD STREET
 GARDEN GROVE, CALIFORNIA

DATE: JOB#
 REC: 15, 2008
 0804
 ARCHITECT: J. L. S. ARCHITECTS
 87 WOODBURN AVE
 FOOTSBILL PARK, CA 94610
 TEL: 949-583-2478

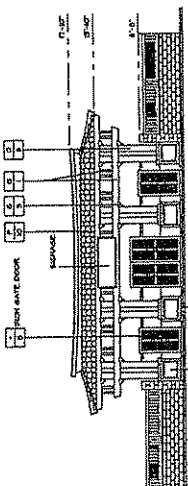


EXTERIOR MATERIALS

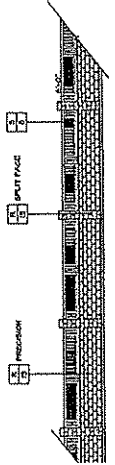
- WOOD COMPOSITION "TYPICAL BRIDGE" LOCATED ALONG ROOF RISES, TOP FLOOR ROOF
- PLASTER FINISH
- CONCRETE EXPOSED
- CONCRETE CORE SLAB
- WOOD DOORS AND WOOD WINDOWS WITH VISION GLASS IN ALUMINUM FRAME SYSTEM
- CADASTRE FINISH WITH VISION GLASS
- WOOD FINISH, ALUMINUM FINISH, AND ALUMINUM FINISH
- WOOD FINISH, ALUMINUM FINISH, AND ALUMINUM FINISH
- REGULATIVE ROOF RAMPING TABLE + CORRECT FINISH
- METAL RAILING SYSTEM
- STONE VENEER
- PRECAST CONCRETE ORNAMENTATIVE FINISH
- 3/4" WIRE TYP. REINFORCING
- 3" FINE PLASTER TYP. ROUGH
- CLAY ROOF TILE
- PRECAST CONCRETE ROUND COLUMN
- ONU BLOCK PRECISION + SPILT FACE
- ENAMEL COAT
- IRON FINISH
- CADASTRE FINISH WITH ALUMINUM LOWER

EXT. COLORS AND FINISHES

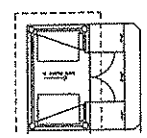
- WOOD COMPOSITION "TYPICAL BRIDGE" LOCATED ALONG ROOF RISES, TOP FLOOR ROOF
- PLASTER FINISH
- CONCRETE EXPOSED
- CONCRETE CORE SLAB
- WOOD DOORS AND WOOD WINDOWS WITH VISION GLASS IN ALUMINUM FRAME SYSTEM
- CADASTRE FINISH WITH VISION GLASS
- WOOD FINISH, ALUMINUM FINISH, AND ALUMINUM FINISH
- WOOD FINISH, ALUMINUM FINISH, AND ALUMINUM FINISH
- REGULATIVE ROOF RAMPING TABLE + CORRECT FINISH
- METAL RAILING SYSTEM
- STONE VENEER
- PRECAST CONCRETE ORNAMENTATIVE FINISH
- 3/4" WIRE TYP. REINFORCING
- 3" FINE PLASTER TYP. ROUGH
- CLAY ROOF TILE
- PRECAST CONCRETE ROUND COLUMN
- ONU BLOCK PRECISION + SPILT FACE
- ENAMEL COAT
- IRON FINISH
- CADASTRE FINISH WITH ALUMINUM LOWER



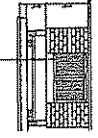
MAIN GATE ENTRY SCALE: 1/8" = 1'-0"



TYPICAL FENCE WALL SCALE: 1/8" = 1'-0"

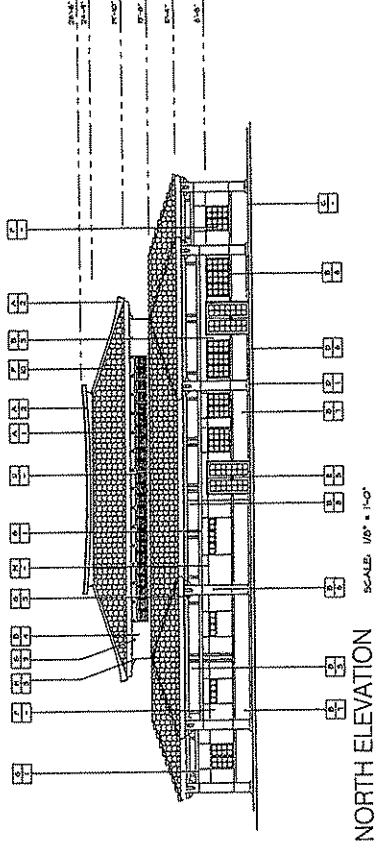


PLAN

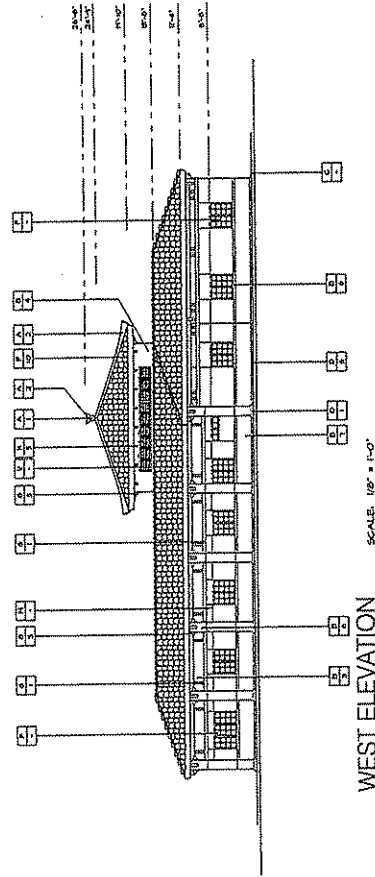


FRONT SIDE

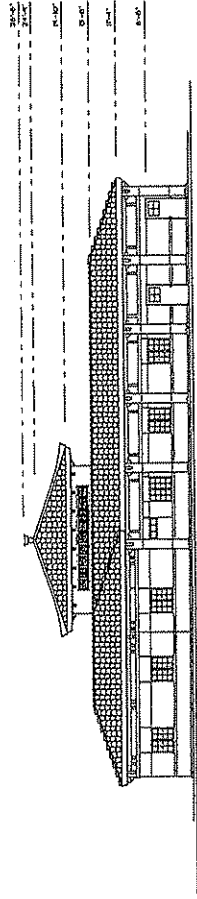
TRASH ENCLOSURE SCALE: 1/8" = 1'-0"



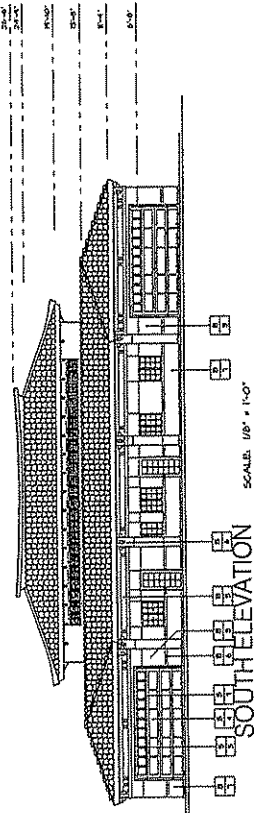
NORTH ELEVATION SCALE: 1/8" = 1'-0"



WEST ELEVATION SCALE: 1/8" = 1'-0"



EAST ELEVATION SCALE: 1/8" = 1'-0"



SOUTH ELEVATION SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATIONS - PAD B (LIVING FACILITY)

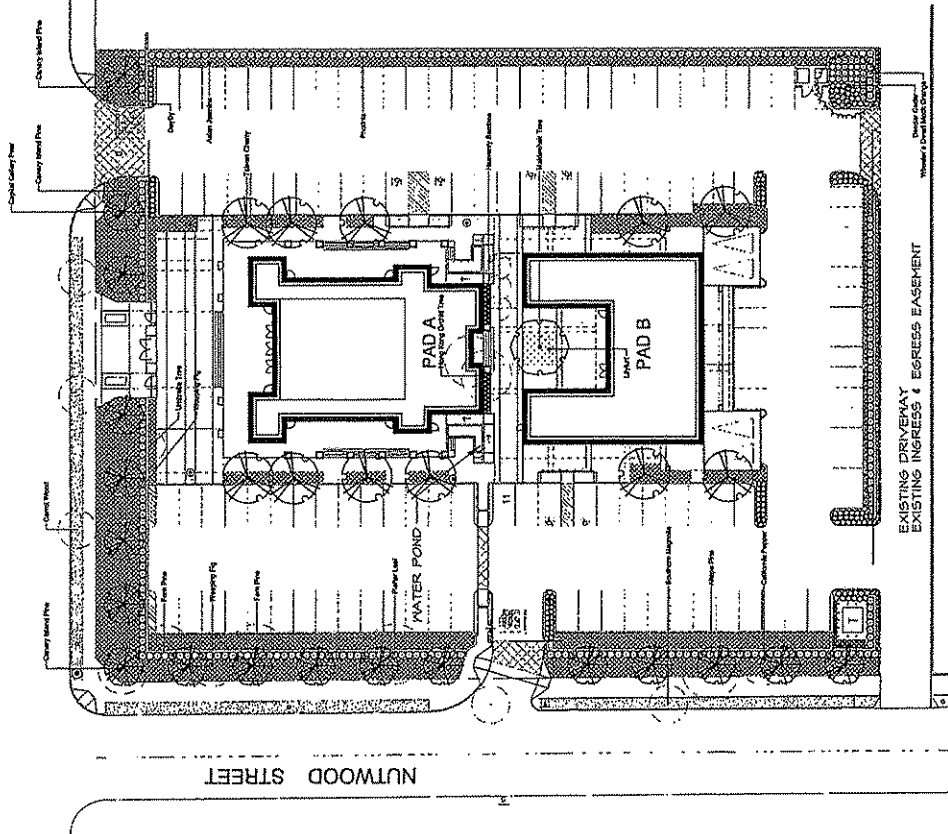
QUAN AM TEMPLE
 SEC OF CHAPMAN AVE. AND NUTWOOD STREET
 GARDEN GROVE, CALIFORNIA

DATE: 12.2023
 JOB: 2000A
 DEC. 15, 2023
 2000A
 ANU STUDIO DESIGN
 87 ANCHOR AVE
 FORTMILL, TN 37074-2919
 TEL: 615.292.2919





CHAPMAN AVENUE



R-1 SINGLE FAMILY

EXISTING DRIVEWAY
EXISTING INGRESS & EGRESS EASEMENT

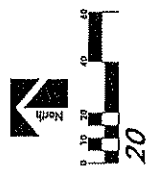
PRELIMINARY SITE LANDSCAPE PLAN - PLP 1

QUAN AM TEMPLE
SEC OF CHAPMAN AVE. AND NUTWOOD STREET
GARDEN GROVE, CALIFORNIA

Summary

Land ±1.78 AC ±77,760 SF
 Coverage %: 12.3 %
 Land to Bldg. Ratio: 6.3/1
 Buildings
 PAD A (RELIGIOUS BLDG.) 5,261 SF
 PAD B (LIVING FACILITY) 4,345 SF
 9,606 SF
 Landscaping Area 12,350 SF. (15.8%)
 Hardscaping Area 6,584 SF. (8.4%)
 Parking Required
 Religious Assembly (2,100 SF) for 300 people
 9,606 SF. - 2,100 SF. = 7,506 SF
 All other space of Pad A & Pad B 7,506 SF.
 Religious Assembly @ 1/3 people 100 stalls
 7,506 SF. @ 1/250 30 stalls
 Total Parking Required 130 stalls

Total Parking Provided 130 stalls
 Handicap stalls 6 stalls
 Compact stalls (20% Compact) 26 stalls
 Standard stalls 94 stalls
 Enclosed stalls (Garage) 4 stalls



ALL SERVICES AND PRODUCTS ARE PROVIDED BY THE ARCHITECT AND THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES.

NOV. 23, 2008
 08.9955

DATE
 JOB#

Summary

Land ±1.78 AC ±77,704SF
 Coverage % 12.3 %
 Land to Bldg. Ratio: 6.3/1

Buildings
 PAD A (RELIGIOUS BLDG.) 5,261 SF
 PAD B (LIVING FACILITY) 4,345 SF

Landscaping Area 9,606 SF
 12,350 SF. (15.8%)
 Hardscaping Area 6,584 SF. (8.4%)

Parking Required

Religious Assembly (2,100 SF) for 300 people
 9,606 SF. - 2,100 SF. = 7,506 SF
 All other space of Pad A & Pad B 7,506 SF.

Religious Assembly @ 1/3 people 100 stalls
 7,506 SF. @ 1/250 30 stalls
 Total Parking Required 130 stalls

Total Parking Provided

Handicap stalls 130 stalls
 Compact stalls (20% Compact) 6 stalls
 Standard stalls 26 stalls
 Enclosed stalls (Garage) 94 stalls
 4 stalls

Religious Assembly @ 1/3 people 100 stalls

7,506 SF. @ 1/250 30 stalls

Total Parking Required 130 stalls

Total Parking Provided

Handicap stalls 130 stalls

Compact stalls (20% Compact) 6 stalls

Standard stalls 26 stalls

Enclosed stalls (Garage) 94 stalls

4 stalls

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7,506 SF. @ 1/250 30 stalls

Total Parking Required 130 stalls

Total Parking Provided

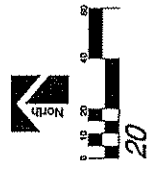
Handicap stalls 130 stalls

Compact stalls (20% Compact) 6 stalls

Standard stalls 26 stalls

Enclosed stalls (Garage) 94 stalls

4 stalls



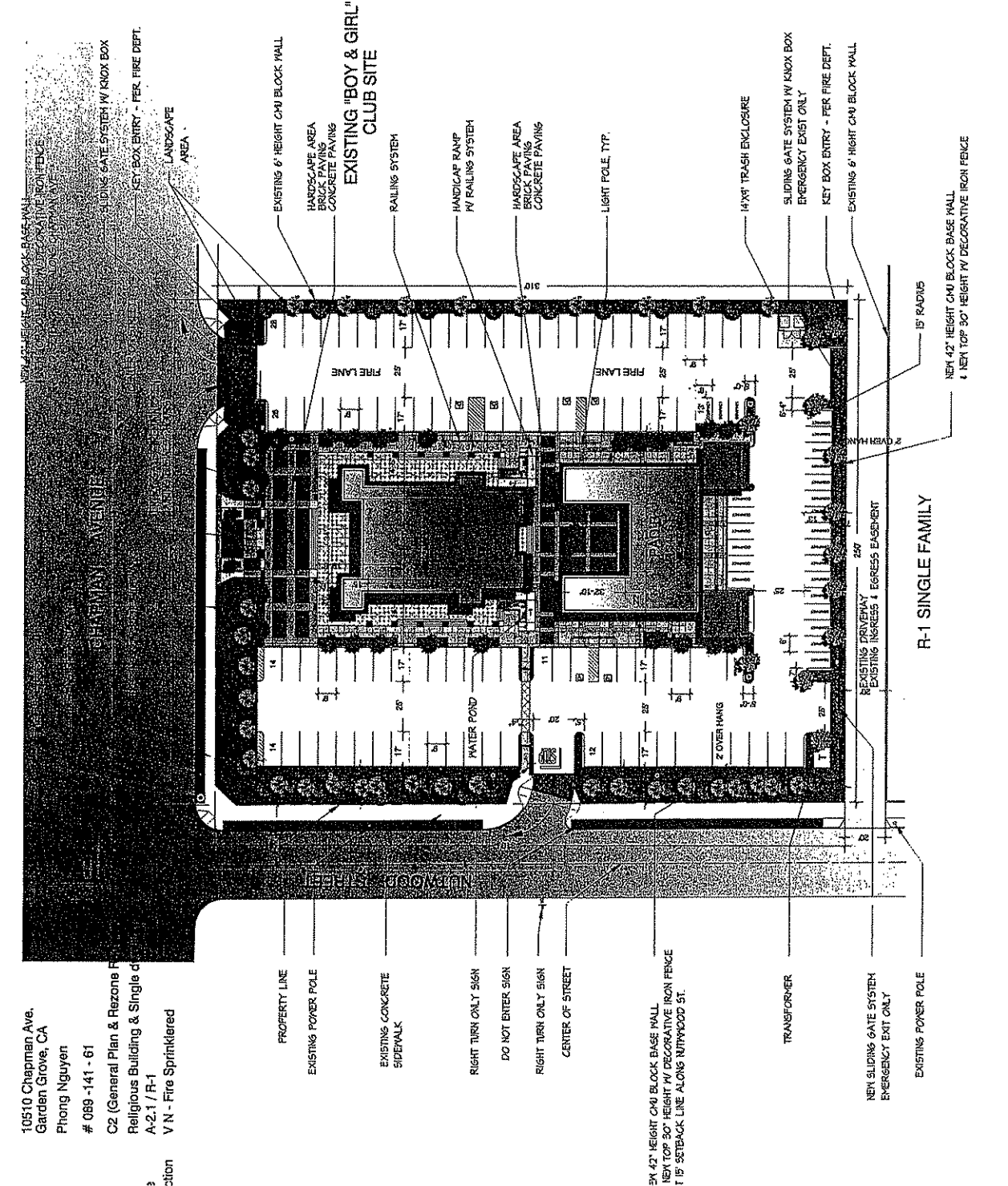
Vicinity Map
 10.10.2008

ALL BUILDINGS, IMPROVEMENTS, INTERSECTIONS AND UTILITIES SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT THE OWNER'S DISCRETION WITHOUT NOTICE.

THIS PRELIMINARY SITE PLAN IS BASED ON INFORMATION PROVIDED TO AIAU GROUP STUDIO BY THE CLIENT AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, UTILITIES, AND RECORD DRAWINGS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, UTILITIES, AND RECORD DRAWINGS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, UTILITIES, AND RECORD DRAWINGS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.



A1



PRELIMINARY SITE PLAN - PS 3

AIAU TEMPLE
 CHAPMAN AVE. AND NUTWOOD STREET
 VAN NUYS, CALIFORNIA

DATE DEC 15, 2008
 JOB 0804

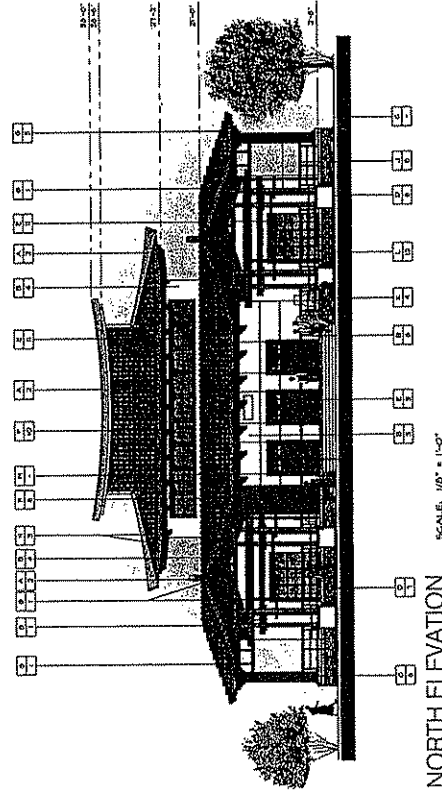
AIAU STUDIO DESIGN
 87 AVENUE AVE
 FOOTHILL, CALIFORNIA 91031

EXTERIOR MATERIALS

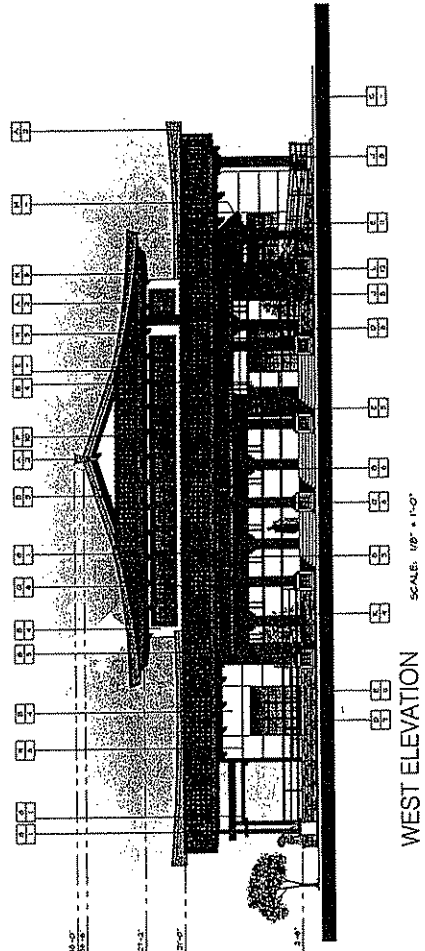
- 1. 1/2" CONCRETE ON FORMWORK
- 2. 1/2" PLASTER
- 3. 1/2" CONCRETE
- 4. 1/2" CONCRETE ON FORMWORK
- 5. 1/2" CONCRETE ON FORMWORK
- 6. 1/2" CONCRETE ON FORMWORK
- 7. 1/2" CONCRETE ON FORMWORK
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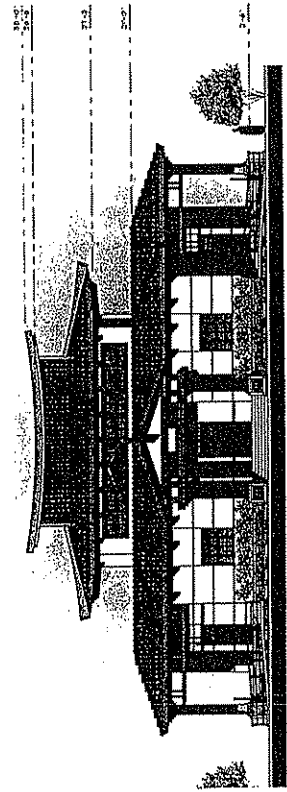
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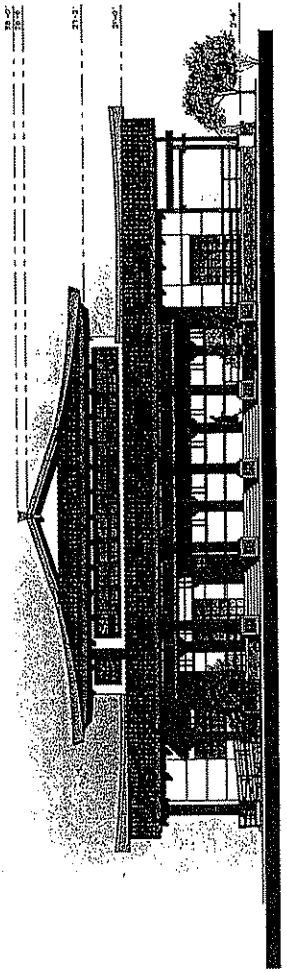
NORTH ELEVATION SCALE: 1/8" = 1'-0"



WEST ELEVATION SCALE: 1/8" = 1'-0"



SOUTH ELEVATION SCALE: 1/8" = 1'-0"



EAST ELEVATION SCALE: 1/8" = 1'-0"

MAIN TEMPLE
 1000 CHAPMAN AVE. AND NUTWOOD STREET
 GLENDALE, CALIFORNIA



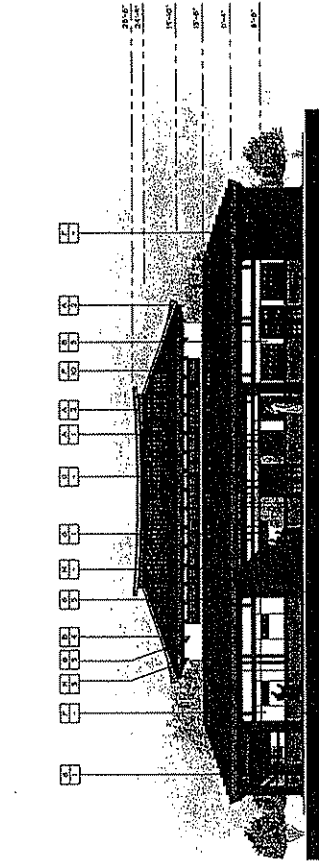
DATE: DEC 15, 2008
 DRAWN: [Name]
 AIAU STUDIO DESIGN
 571 AVENUE AVE
 FORT COLLINS, CO
 970-233-2170

EXTERIOR MATERIALS

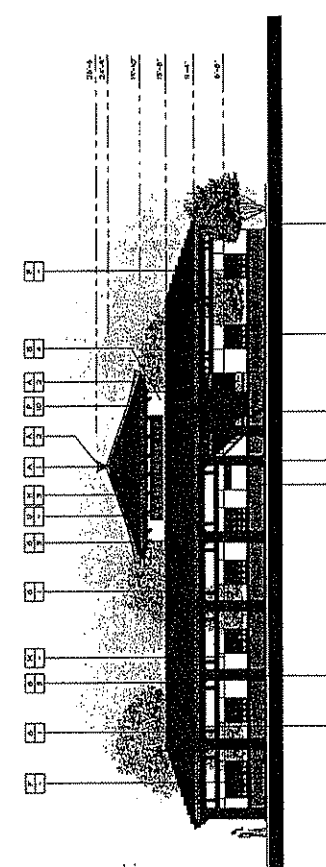
- 1. ROOF COLLECTION: CONCRETE SLABS, LIGHTER ALUMINUM ROOF, SPRING ROOF
- 2. PLASTER FINISH
- 3. CONCRETE CONCRETE
- 4. CONCRETE LAMB BARS
- 5. ROOF DOORS AND ROOF WINDOWS WITH VISION SLABS IN ALUMINUM FRAMES WITH CASHEMIR FINISH WITH VISION SLABS
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NORTH ELEVATION SCALE: 1/8" = 1'-0"

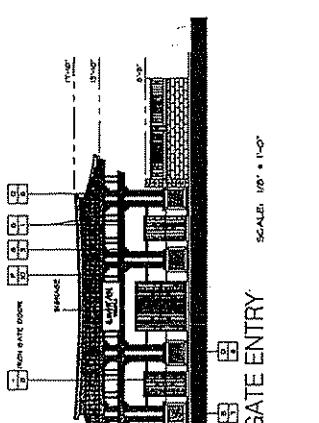


WEST ELEVATION SCALE: 1/8" = 1'-0"

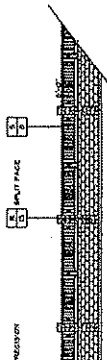
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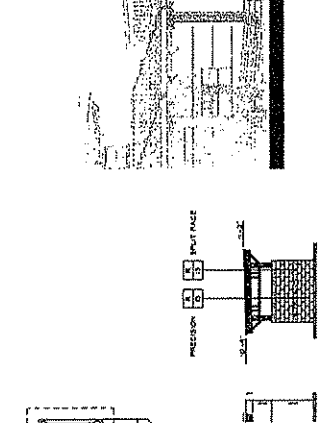
SOUTH ELEVATION SCALE: 1/8" = 1'-0"



GATE ENTRY SCALE: 1/8" = 1'-0"



WALL FACE SCALE: 1/8" = 1'-0"



ENCLOSURE SCALE: 1/8" = 1'-0"

ENCLOSURE SCALE: 1/8" = 1'-0"

ERIOR ELEVATIONS - PAD B (LIVING FACILITY)

I AM TEMPLE
 1000 CHAPMAN AVE. AND NUTWOOD STREET
 IN GROVE, CALIFORNIA



DATE: 02/17
 DESIGNED BY: JACOB
 ARCHITECT: I AM TEMPLE
 1000 CHAPMAN AVE. AND NUTWOOD STREET
 IN GROVE, CALIFORNIA
 T. 925.282.1219

ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:**
Tri Nguyen Thich, GPA-1-09(A), A-147-09; SP-450-09, CUP-262-09
2. **LEAD AGENCY:**
City of Garden Grove
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92840
3. **CONTACT PERSON:**
Karl Hill, Planning Services Manager, City of Garden Grove
4. **PROJECT LOCATION:**
Southeast corner of Chapman Avenue and Nutwood Street at 10510 Chapman Avenue
5. **PROJECT SPONSOR:**
Tri Nguyen Thich, Vietnamese Buddhist Temple
10510 Chapman Avenue
Garden Grove, CA. 92840
6. **GENERAL PLAN DESIGNATION:**
Office Professional
Proposed Land Use: Low Density Residential (LDR)
7. **ZONING:**
OP (Plan Office Professional)
Proposed Zone Change: R-1-7 (Single-Family Residential)
8. **DESCRIPTION OF PROJECT:**
To amend the General Plan Land Use designation by changing the current designation from OP (Office Professional) to LDR (Low Density Residential); to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility.
9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**
City of Garden Grove Planning Commission.
City of Garden Grove City Council.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geophysical	<input type="checkbox"/> Energy Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Water Quality	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
<input type="checkbox"/> Mandatory Findings of Significance		

DETERMINATION:

On the basis of this initial evaluation:

I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section XVII.c at the end of this study have been added to the project. A NEGATIVE DECLARATION will be prepared.



Signature

February 3, 2009

Date

Karl Hill

Printed Name

For:
City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (E.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of significance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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I. LAND USE AND PLANNING

- a. Conflict with General Plan designation or zoning.

Response: The proposed project is in conflict with the General Plan in that the current land use designation of Office Professional and zoning of Office Professional do not allow religious facilities. In order to allow the religious facility to occupy the site, the General Plan Land Use designation and current zoning have to be changed. The General Plan Land Use designation would have to become Low Density Residential and the zoning changed to Single-Family Residential. The General Plan anticipates the development of religious facilities in order to meet the goals and objectives of the General Plan by designating residential areas as locations for such use in conjunction with zoning code development standards. The property presently has a General Plan designation of Office Professional and is zoned as such. Therefore, the Land Use and zoning have to be changed in order to accommodate the proposed development. The applicant is proposing, in order to implement the project, to change the General Plan designation from Office Professional and the zoning designation of Office Professional to Low Density Residential and Single-Family Residential R-1-7 respectively. The property can accommodate the proposed development by meeting the goals of the General Plan by locating a use that would serve as a buffer to residential properties, locate on a primary arterial, and possibly enhance the appearance of the corner on which the proposed project is to be located. In addition, the proposed religious facility is meeting zoning code development standards for lot size (one acre), parking requirements, setbacks, and landscaping. Therefore, a general plan amendment to Low Density Residential and zone change to Single-Family Residential R-1-7 will not cause any adverse impacts.

- b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project.

Response: The proposed project is located within a highly urbanized area of Orange County and is in conformance with applicable federal, state, and City of Garden Grove environmental requirements and plans. The Final Environmental Impact Report prepared and certified, in August 2008, as a part of the General Plan Update (State Clearinghouse No. 2008041079, the General Plan EIR), addressed intense type of development for this area with respect to residential development and associated potential impacts such as increased traffic in the area, water and sewer concerns, and design issues. Therefore, the project does not have the potential to conflict with environmental plans adopted by agencies with jurisdiction over the project.

- c. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses).

Response: The proposed changes in land use, and the proposal for development are consistent with the City's adopted General Plan. The project area is currently improved with commercial buildings that have occupied the site for over 30 years. The adjoining land uses are single family residential, apartments and condominiums, boys and girls club, and office uses. The existing buildings have been occupied as a professional office for many years and no agricultural activity has occurred here during this period of time. Therefore, there will be no impacts to agricultural resources or operations.

- d. Disrupt or divide the physical arrangement of an established community, including a low-income or minority community.

Response: The project site is improved with office buildings that will be removed as part of the site's improvements and be replaced with two buildings, a one-story Buddhist Temple religious facility and a one story residence building. The proposed development is compatible with the surrounding neighborhoods in design and architectural appearance, and will not disrupt the physical arrangement of any existing residential or commercial development in the area. The

surrounding land uses are residential, apartments and condominiums, and office uses. During construction there may be disruptions in traffic patterns or an increase in noise. These impacts are considered to be less than significant as these disruptions are temporary in nature and are addressed in the General Plan EIR.

II. POPULATION AND HOUSING

- a. Cumulatively exceed official regional or local population projections.
- b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure).
- c. Displace existing housing, especially affordable housing.

Response: (a, b, & c) There are no housing units existing on the site and displacement of residents will not occur as a result of this proposed development. The proposed development is not anticipated to increase population or housing in the immediate area. In addition, the proposed project is located in a highly urbanized area and all infrastructure is already in place.

III. GEOPHYSICAL

- a. Seismicity: Fault rupture.

Response: The nearest major active fault along which a rupture or a major seismic event could occur is the Newport-Inglewood Fault, which is located just west of Dana Point Harbor up through Newport Beach into south Los Angeles County. The seismic parameters of the site are similar to those of other areas in Orange County during the maximum credible event along the Newport-Inglewood Fault Zone that is estimated to be of 7.5 magnitude. No fault rupture is expected in the immediate vicinity of the project.

Some exposure to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County. The proposed project does not alter the existing exposure. To mitigate any potential impacts, all construction shall comply with applicable building codes, including but not limited to, the C.B.C., Fire Code, and City requirements.

- b. Seismicity: Ground shaking or liquefaction.

Response: The project area, like all of Southern California, is subject to ground-shaking and other secondary impacts from seismic activity, such as liquefaction. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the possibly saturated nature of the sandy soils in the area.

Some exposure to seismic-related hazards is expected. However, this impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County. The proposed project does not alter the existing exposure. To mitigate any potential impacts all construction is required to adhere to the California Building Code as it pertains to seismic safety.

- c. Seismicity: Seiche or tsunami.

Response: Seiches and tsunamis are not anticipated to occur in the vicinity of this project due to its distance from the coast and absence of large water bodies in the project area.

- d. Landslides or mudslides.

Response: The project area is relatively flat and would not normally be subject to landslides or mudslides. The construction of the proposed project may involve comparatively small

excavations that will be required to be made in accordance with all applicable codes and standards to minimize the threat of a landslide or mudslide.

- e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.

Response: Changes in topography will result during the site preparation and grading. A project of this size should not create substantial impacts to the soil or topography of the area due to the site's natural drainage pattern. Site drainage will be required to meet Engineering Services Division standards that will require storm water drainage to flow off the site, but yet be in compliance with the WQMP provisions. This will allow the overall drainage pattern to flow to the adjoining streets. Drainage easements may be required for storm drain purposes. The location of the easement(s) and the size of storm drains will be determined before site preparation begins. In order to mitigate potential site drainage issues, all construction involving excavation and/or grading is required to adhere to the requirements of the Engineering Services Division. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety requirements.

- f. Subsidence of the land.

Response: Vertical displacement or subsidence of the land surface can be caused by several factors, including the withdrawal of oil, gas, or water from underlying formations, decomposition of buried organic material, and construction of heavy manmade structures above underlying poorly consolidated materials. None of these or any other conditions typically contributing to subsidence are expected in the project area. All new construction is required to adhere to the requirements of the Engineering Services Division to address any subsidence of the land. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety requirements.

- g. Expansive soils.

Response: All improvements are required to adhere to applicable codes including the California Building Code, and California Occupational Safety requirements.

- h. Unique geologic or physical features.

Response: There are no known unique geologic or physical features in the project area.

IV. HYDROLOGY AND WATER QUALITY

- a. Violate any water quality standards or waste discharge requirements?

Response: The Project will not involve operations that could affect water quality standards. The Project site is located within an urbanized area with existing residential, commercial and open space uses. The use of the proposed residential development will not generate the types of activities that would effect water quality standards or waste discharge requirements.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted?)

Response: The project will not involve operations that could affect aquifers' recharge capability or alter the direction of groundwater flow. The area is urbanized with existing residential and commercial uses. The construction will not require substantial excavations and other related below-grade work, and is not expected to use large quantities of water. Any water pumped out, if necessary, will be subject to discharge requirements of the Regional Water Quality Control

Board, the Garden Grove Sanitation District, and Garden Grove Public Works Water Services Division.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

Response: (c and d) There are no surface waters within the project area. The Santa Ana River is located east of the project site. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect surface waters.

- e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as of the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any building permits and commencement of construction.

- f. Otherwise substantially degrade water quality?

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans and those plans approved by the Engineering Services Division prior to the issuance of any building permits and the commencement of construction.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Response: The project area is not located within 100-year flood zone. The grading improvement plans will be required to take this into consideration in designing the placement of the building, the height of the building pad, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

- h. Place structures within a 100-year flood hazard area which would impede or redirect flood flows?

Response: The project area is not located within 100-year flood zone. The grading improvement plans will be required to take into consideration the placement of the building, the height of the finished elevation building pad, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Response: The project area is not located within 100-year flood zone. The grading improvement plans will be required to take into consideration the placement of the building, the height of the finished elevation building pad, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

- j. Inundation by seiche, tsunami, or mudflow?

Response: Seiches, tsunamis, and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, absence of large bodies of water, or hilly or mountainous areas that potentially could cause mudflows.

- k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).

Response: Project run-off will be directed into the existing storm drain system adjacent to the site. The local storm drain system has adequate capacity to handle the incremental increase in storm and urban water run-off generated by this project in that the site area has already been developed and the run-off and absorption rates should not increase and decrease respectively as the new project is developed on the site.

- l. Result in significant alteration of receiving water quality during or following construction.

Response: There are no surface waters within the area in which the Project is to be located. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not significantly affect receiving water quality.

- m. Could the project result in increased erosion downstream?

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as of the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any building permits and the commencement of construction.

- n. Result in increased impervious surfaces and associated increased run-off?

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface runoff as of the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any building permits and commencement of construction.

- o. Create a significant adverse environmental impact to drainage patterns due to changes in run-off flow rates or volumes.

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any building permits and commencement of construction.

- p. Tributary to other environmentally sensitive areas?
 If so, can it exacerbate already existing sensitive conditions?

Response: All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not directly affect existing environmentally sensitive areas.

- q. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list?
 If so, can it result in an increase in any pollutant for which the water body is already impaired?

Response: All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not directly affect already impaired waters.

- r. Have a potentially significant environmental impact on surface water quality to either marine, fresh or wetland waters?

Response: All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not significantly affect surface water quality.

- s. Have a potentially significant adverse impact on ground water quality?

- t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

Response: (s and t) The project will not involve operations that could affect aquifers' recharge capability or alter the direction of groundwater flow. The area is urbanized with existing residential and commercial uses. It is not anticipated that this project will affect surrounding aquifers.

- u. Impact aquatic, wetland, or riparian habitat?

Response: The project will not impact aquatic, wetland, or riparian habitats. No such environments are located within the Project area or in the immediate area. All run-off from the area is, and will be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not directly affect aquatic, wetland, or riparian habitat.

V. AIR QUALITY

- a. Violate any air quality standard or contribute to an existing or projected air quality violation.

Response: The permitted uses and operations that are anticipated do not appear to create the potential for significant amounts of air pollutants. Therefore, there will be no violations of any air quality standard. No additional impacts are seen to existing air quality standards nor additional sources created that would contribute to an existing or projected air quality violation.

- b. Expose sensitive receptors to pollutants.

Response: The proposed project will not significantly increase the exposure of sensitive receptors to pollutants. The General Plan EIR addressed similar type development for this site,

but at a much higher intensity. The limited scope and intensity of the proposed project is not expected to exceed the projections contained in the General Plan Update.

- c. Alter air movement, moisture, or temperature, or cause any change in climate.

Response: The proposed project, uses, and the necessary on-site modifications would not have the capability to alter air movement, moisture or temperature, or cause a change in the climate.

- d. Create objectionable odors.

Response: No objectionable odors would be created by the proposed development. During construction objectionable odors may occur within the area. This impact is not considered significant due to the temporary nature of these odors. The General Plan EIR addressed odors that may arise as the result of new construction. The project is required to adhere to all mitigation measures pertaining to construction odors.

VI. TRANSPORTATION

- a. Increased vehicle trips or traffic congestion.

- b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Response: (a and b) The development is likely to increase vehicle trips and traffic congestion in the area, but not beyond the scope analyzed in the General Plan EIR. The proposed development does not appear to generate significant level of traffic during peak commute times that would warrant a traffic analysis, and therefore, no traffic report is needed and subsequently, no significant traffic related improvements are required in order to facilitate the proposed development.

The Traffic Engineering Division has reviewed this project and finds that no significant traffic-related on-site, or off-site improvements for this project are necessary beyond that conditioned for this proposed development.

During construction, increased vehicle trips or traffic congestion may occur but would be temporary in nature and would not create a significant impact. All projects involving construction in the public right-of-way will be required to submit a traffic safety plan to minimize traffic congestion.

- c. Inadequate emergency access to nearby uses.

Response: Emergency access to the proposed development and surrounding areas will not be affected. Police and Fire services in the area are adequate to accommodate the development provided the project complies with the conditions of approval included on the project by the Police and Fire Departments.

- d. Insufficient parking capacity on-site or off-site.

Response: Parking capacities have been examined based on the nature of the use, and the Municipal Code parking requirements. The project provides adequate parking on site to accommodate the proposed development by providing 130 parking spaces, which meets the Municipal Code parking.

- e. Hazards or barriers for pedestrians or bicyclists.

Response: Barriers for pedestrians or bicyclists may occur during the period of construction. A traffic safety plan shall be approved prior to the commencement of construction in the public right-of-way in order to ensure the safety of pedestrians and/or bicyclists.

- f. Conflicts with adopted policies supporting alternative transportation.
Response: The proposed development would not impact existing or proposed policies pertaining to alternative transportation, and mass transit stops are in close proximity to the development.
- g. Rail, waterborne or air traffic impacts.
Response: There are no air or waterborne traffic corridors in the immediate area. The site is not located within a flight path of any airport.

VII. BIOLOGICAL RESOURCES

- a. Endangered threatened or rare species, or their habitats (including but not limited to plants, fish, insects, animals, and birds).
Response: In general, wildlife diversity in the project area is low due to the urbanized nature of the area and its surroundings. The site has been used for commercial purposes for many years. There are no areas where any type of favorable habitat has existed on the site for at least the past 30 years. Endangered species are not expected to occur in the area due to the lack of suitable habitat. No impacts are expected.
- b. Locally designated species (e.g., heritage trees).
Response: The site is devoid of native vegetation and there are no locally designated species on the project site.
- c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.).
Response: The site is devoid of native vegetation and there are no locally designated natural communities on the project site.
- d. Wetland habitat (e.g., marsh, riparian and vernal pool).
Response: There are no wetland habitats in the area of the project site.
- e. Wildlife dispersal or migration corridors.
Response: The project area does not serve as a dispersal and/or migration corridor as the area is within a highly urbanized area.

VIII. ENERGY AND MINERAL RESOURCES

- a. Conflict with adopted energy conservation plans.
Response: The development of the Buddhist Temple on this site is not in conflict with adopted energy conservation plans. All buildings will be required to utilize energy conservation measures such as wall and ceiling insulation, dual pane windows, and weather stripping.
- b. Use nonrenewable resources in a wasteful and inefficient manner.
Response: All development on the project site is required to adhere to all State and City energy-conservation regulations including energy efficient lighting, ventilation, and heating systems. Therefore, the development will not create uses that use nonrenewable resources in a wasteful manner.

IX. HAZARDS

- a. A risk of accidental explosion or release of hazardous substances (e.g., oil, pesticides, chemicals, and radiation).

- b. Possible interference with an emergency response plan or emergency evacuation plan.
- c. The creation of any health hazard or potential health hazard.
- d. Exposure of people to existing sources of potential health hazards.

Response: (a through d) There will be no health hazards or potential for health hazards created by the proposed development or uses. The development will not create any health hazards or increase the potential of exposure to existing hazards. The project will not increase the risk of accidental explosion, release of hazardous substances, or create an interference with existing emergency response or evacuation plans.

- e. Increased fire hazard in area with flammable brush, grass, or trees.

Response: There are no anticipated physical changes that would increase fire hazards within the project area.

- f. Would the project include a new or retrofitted stormwater Treatment Control BMPs (e.g., water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g., increase vectors and odors)?

Response: The project will not use new treatment BMP's that could create an increase in odors or vectors.

X. NOISE

- a. Increases in existing noise levels.

Response: Construction activities associated with infrastructure improvements or the on-site development may temporarily increase noise levels at noise-sensitive receptors adjacent the project site. However, with the temporary nature of these construction-related activities and requirements for contractor compliance with County and City noise ordinances, noise impacts will be of insignificance.

The potential increase in noise levels beyond those existing is due to the fact that the proposed development will be the construction of a Buddhist Temple. The development, and subsequent activities, is subject to the City's noise ordinance. Activities, that are likely to be noise generators within the proposed development, are typical religious activities such as in the form of worship services, and normal traffic associated with this development.

- b. Exposure of people to extreme noise levels.

Response: Construction will occur within the project area. Although construction noise could cause an annoyance for surrounding uses, due to the temporary nature of any construction activities and the fact that construction activities and future development would be required to adhere to the County and City noise ordinances, the impact of extreme noise levels from any potential construction activities is considered to be less than significant. Noise from the proposed use will not be extreme as the activities are limited and regulated by the Garden Grove Municipal Code.

XI. PUBLIC SERVICES

- a. Fire protection.

Response: The City of Garden Grove Fire Department provides emergency response service to the project area. The project is not likely to induce significant growth and will not result in substantial new demand for fire protection services.

However, new construction will occur, and, due to the nature of the uses, there will be a slight increase in fire protection services. In order to mitigate impacts associated with this development, the development shall comply with the conditions of approval of the Fire Department including but not limited to providing a fire sprinkler system, and ensuring clearly unobstructed emergency paths of travel, per the Fire Department's specifications.

- b. Police protection.

Response: The Garden Grove Police Department provides police protection in the area. The project is not likely to induce growth beyond that planned for the site and will not result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly affect police protection. However, due to the nature of the proposed use, it is likely that there will be an additional demand for police protection. In order to mitigate the anticipated impacts associated with the project, such as an increase in calls for service, the development shall comply with the conditions of approval of the Police Department.

- c. Schools.

Response: The proposed development will not increase the number of children within the Garden Grove Unified School District. This development is subject to the applied mitigation school fees currently applied to new development in the City by the Garden Grove Unified School District. In order to ensure this concern is satisfied, the Developer shall provide the Community Development Department proof of payment of appropriate school fees, adopted by the Garden Grove Unified School District, prior to the issuance of building permits in accordance with the provisions of state law.

- d. Maintenance of public facilities, including roads.

Response: It is likely that the project, and the additional demand on the infrastructure, will increase maintenance requirements. The existing public facilities appear to be in reasonable condition and adequate to meet the demands of the proposed development. Should any infrastructure be inadequate to serve the site, then the developer will be required to make such improvements as part of the proposed development.

- e. Other governmental services.

Response: It is not likely that the project will increase demands on other governmental services other than those addressed in this analysis.

XII. UTILITIES AND SERVICE SYSTEMS

- a. Power or natural gas.

Response: There are no impacts to power or natural gas caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

- b. Communication systems.

Response: There are no impacts to communications systems caused by this project. The existing infrastructure is existing and adequate to meet the demands in the area including those generated by this project.

- c. Local or regional water treatment or distribution facilities.

Response: There are no impacts to water treatment or distribution facilities caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

- d. Sewer or septic tanks.
Response: According to the Garden Grove Sanitary District, the existing infrastructure may not be adequate to meet the demands of the area including those generated by this project. Although the Garden Grove Sanitary District has been upgrading sewer capacities in the vicinity, the Developer still may have to prepare a sewer study in order to determine if there is sufficient capacity in the adjoining street to handle the anticipated amount of sewer discharge from the proposed development.

- e. Storm water drainage.
Response: The project area is a highly urbanized area and storm water drainage facilities are in place and adequate to meet the needs for this area including those generated by this project.

- f. Solid waste disposal.
Response: Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contractor. The plan does provide a trash enclosure that will serve the development. The applicant shall coordinate with the Garden Grove Sanitary District and their contractor for specific times for trash pick-up and confirm that the number of trash receptacles and location is sufficient for the proposed development.

XIII. AESTHETICS

- a. Affect on a scenic vista or scenic highway.
Response: The project area is not adjacent to any scenic vistas or highways. The physical improvements for this site will be compatible with the Community Design Guidelines as stated in the General Plan and with other improvements and developments in the area.

- b. Have a demonstrable negative aesthetic effect.
Response: The proposed development with recommended conditions of approval, will be compatible with the goals and objectives of the Design Guidelines contained in the City's adopted General Plan, and with the existing improvements and developments in the area. Therefore, there will be no demonstrable negative aesthetic effects caused by the proposed development.

- c. Create light or glare.
Response: The project will be required to provide additional lighting in the area. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels. Additionally, the lighting will not be permitted to spill onto adjoining properties.

XIV. CULTURAL RESOURCES

- a. Disturb paleontological resources.
Response: There are no known paleontological resources in the area. If unanticipated paleontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.

- b. Disturb archaeological resources.
Response: There are no known archaeological resources in the area. If unanticipated archaeological artifacts are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.

- c. Affect historical resources.
Response: There are no known historical resources on the site. The Garden Grove General Plan Update notes 13-historically significant or potentially significant sites within the City limits. None of these sites are located in the project area.

- d. Have the potential to cause physical change that would affect unique ethnic cultural values.
- Response:** There are no structures or activities that have unique cultural or ethnic value. The project, therefore will not have the potential to affect unique ethnic or cultural values.

- e. Restrict existing religious or sacred uses within the potential impact area.
- Response:** The proposed development, and the use of the property, will not restrict religious or sacred uses. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

XV. RECREATION

- a. Increase the demand for neighborhood or regional parks or other recreational facilities.
- b. Affect existing recreation facilities.
- Response:** (a and b) The area to be developed does not contain public open space or otherwise reduce neighborhood or regional park facilities. In addition, the developer is required to pay park in-lieu fees that are applied to the City's parks and recreation programs.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals.
- c. The project does not have impacts that are individually, but cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects).
- d. The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

XVII. EARLIER ANALYSIS

Earlier analyses may have been used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).

- a. **EARLIER ANALYSIS:**
1. The City of Garden Grove General Plan Update.
 2. The City of Garden Grove Existing Conditions Report.
 3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 2008041079.
 4. Title 9 of the Garden Grove Municipal Code.

b. IMPACTS ADEQUATELY ADDRESSED:

1. Land Use
2. Population and Housing
3. Geophysical
4. Water
5. Air Quality
6. Transportation
10. Noise
11. Public Services

c. MITIGATION MEASURES:

All conditions of approval for General Plan Amendment No. GPA-1-09(A), Zone Change Amendment No. A-147-09, Site Plan No. SP-450-09, and Conditional Use Permit No. CUP-262-09, shall be adhered to in order to mitigate negative impacts on the property or surrounding area. In addition, any mitigation measures indicated herein are also deemed to be part of the conditions of approval.

GPA-1-09-(A)envchklst

RESOLUTION NO. 5673

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. GPA-1-09(A) CHANGING THE LAND USE MAP FROM OFFICE PROFESSIONAL TO LOW DENSITY RESIDENTIAL, AND CHANGE THE ZONING FROM OFFICE PROFESSIONAL TO R-1, SINGLE-FAMILY RESIDENTIAL, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET AT 10510 CHAPMAN AVENUE, PARCEL NUMBER 089-141-61.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 5, 2009, does hereby recommend approval of General Plan Amendment No. GPA-1-09(A), and Zone Change Amendment No. A-147-09.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based on is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceedings is the City Clerk. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission recommends that the City Council adopt the Negative Declaration including a finding of a de minimis impact on fish and wildlife resources.

BE IT FURTHER RESOLVED in the matter of General Plan Amendment No. GPA-1-09(A), and Zone Change Amendment No. A-147-09, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by Tri Nguyen Thich
2. The applicant is requesting to amend the General Plan Land Use designation by changing the current designation to Low Density Residential); to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility.
3. The Community Development Department has prepared a Negative Declaration for the project, that concludes that the proposed project will

not have a significant adverse effect on the environment; and was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act, Public Resources Code of Regulations Section 21000 et. seq., and the CEQA Guidelines, 14 California Code of Regulations section 15000 et. seq. Therefore, the Planning Commission recommends that the City Council adopt a Negative Declaration for these entitlements and finds a de minimis impact in relation to fish and wildlife resources.

4. The property has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The 1.8-acre site is improved with a one-story office building.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on March 5, 2009, 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 March 5, 2009; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The one-story office building has occupied the 1.8 acre site for more than 30 years. The existing building improvement will be removed from the site upon project approval.

The General Plan Amendment No. GPA-1-09(A) and Zone Change Amendment No. A-147-09 are being processed in conjunction with Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09.

The site has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The General Plan Land Use designation and zoning of the property have to be changed in order to allow for the proposed religious development.

Churches and Religious facilities are permitted in the R-1 zone subject to Conditional Use Permit approval.

FINDINGS AND REASONS:

General Plan Amendment:

1. The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The proposed use of the site is compatible with the other, existing, land uses in the area.
2. The General Plan Amendment will promote the public interest, health, safety, and welfare by maintaining a General Plan land use designation and zoning, which are consistent with the proposed use of the site and with the improvements in the area.
3. The size and shape of the area is suitable for the proposed land use designation of Low Density Residential. The proposed use is consistent with the proposed General Plan land use designation and zoning.

Zone Change Amendment:

1. The Amendment is consistent with the goals and policies of the Land Use Element of the General Plan which support zoning properties with designations that encourage and facilitate the development of underutilized properties, ensuring zoning consistency with the General Plan Land Use designation, and implementing the design and development of the site in conformance with Title 9 Development Standards. Therefore, the proposal to change zoning to the R-1 zone furthers the goals of the General Plan.
2. The Amendment will promote the public interest, health, safety, and welfare, as well as ensure a degree of compatibility with surrounding properties and uses. The subject property has sufficient land area for the uses permitted under the R-1 zone, and the application of the appropriate Title 9 provisions for site landscaping, parking areas, vehicular access, and other requirements applicable to those uses permitted in the R-1 zone, will ensure that the proposed rezone will have a reasonable degree of compatibility with surrounding uses and will not adversely affect the public health, safety, and welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The General Plan Amendment and Zone Change Amendment possess characteristics that would indicate justification of the request. The Planning Commission recommends approval of General Plan Amendment No. GPA-1-09(A) and Zone Change Amendment No. A-147-09.
2. The implementation provisions for General Plan Amendment No. GPA-1-09(A) and Zone Change Amendment No. A-147-09, are found under Planning Commission Resolution No. 5674 for Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09.

GPA-1-09(A)&A-147-09-PC-resolution

RESOLUTION NO. 5674

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-450-09, AND CONDITIONAL USE PERMIT NO. CUP-262-09, FOR LAND LOCATED AT THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET, AT 10510 CHAPMAN AVENUE, PARCEL NO. 089-141-61.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 5, 2009, hereby approves Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based on is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceedings is the City Clerk. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission recommends that the City Council adopt the Negative Declaration including a finding of a de minimis impact on fish and wildlife resources.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Tri Nguyen Thich.
2. The applicant is requesting to amend the General Plan Land Use designation by changing the current designation to Low Density Residential); to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility.
3. The Community Development Department has prepared a Negative Declaration for the project, that concludes that the proposed project will not have a significant adverse effect on the environment; and was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act, Public Resources Code of Regulations Section 21000 et. seq., and the CEQA Guidelines, 14 California Code of Regulations section 15000 et. seq. Therefore, the Planning Commission recommends that the City Council adopt a Negative Declaration and finds a de minimis impact in relation to fish and wildlife resources for these entitlements.

4. The property has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The 1.8 acre site is improved with a one-story office building.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on March 5, 2009, 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 March 5, 2009; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, Land Use Actions, are as follows:

FACTS:

The one-story office building has occupied the 1.8-acre site for more than 30 years. The existing building will be removed from the site upon project approval.

The Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09 are being processed in conjunction with General Plan Amendment No. GPA-1-09(A), and Zone Change Amendment No. A-147-09.

The site has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The General Plan Land Use designation and zoning of the property have to be changed in order to allow for the proposed religious development.

Churches and Religious facilities are permitted in the R-1 zone subject to Conditional Use Permit approval.

FINDINGS AND REASONS:

SITE PLAN:

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

The Site Plan is designed within the parameters of the R-1 zone regarding churches and religious facilities. The site provides landscape setbacks along the street frontages, ingress and egress from an arterial street, parking, and meets other development-related requirements such as building and wall heights.

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

The City's Departments, including Traffic Engineering Division, Fire Department, and Planning Division, have reviewed the plan and all appropriate conditions of approval and mitigation measures will be applied that will minimize any adverse impacts to surrounding streets. The development provides sufficient off-street parking spaces for a religious facility.

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

The adjacent streets are adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby, improving drainage on the site.

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

The development is compatible with the surrounding area. The site is bounded on the east by the Boys and Girls Club of Garden Grove, the north, south, and west with single-family and multi-family residential developments. The surrounding properties to the north, south, and west all have General Plan Land Use designations of Low Density Residential and Low Medium Density Residential, and R-1 and R-2 Zoning designations, and the property to the east has a General Plan Land Use designation of Office Professional and is zoned Office Professional. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments. This is achieved through the building setbacks, building height, landscaping, and parking.

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

The project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of private areas reserved for common use will be achieved.

CONDITIONAL USE PERMIT:

1. The proposed religious type of use, a Buddhist Temple, which is designed for worship services, living quarters, kitchen and dining, office, library, conference room and storage, is consistent with the proposed General Plan and zoning of the site. The R-1 zoning designation implements the General Plan Land Use designation of Low Density Residential, which allows for religious type uses. Based on the description and characteristics of the proposed use, the applicant has expressed that although they are a religious order, they do not intend to conduct outside activities that will be of a nuisance or be detrimental to the surrounding area. The applicant indicates that their activities are conducted within the Temple. Activities on the site are limited to basic living, prayer and study of their religious beliefs and possibly holding wedding and funeral services.
2. The use will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area. The use will be harmonious with the persons who work and live within the area.
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 applicant does demonstrate through site design, building improvements, and subsequent proposed usage of the site for a Buddhist Temple, that the proposal will not be detrimental to properties in the vicinity. The use will be compatible with the surrounding area.
4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The general welfare of the neighborhood relies on the project meeting required development standards concerning building placement, and use of the site with a religious facility. The proposed use will ensure the public health, safety, and general welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Site Plan, Conditional Use Permit).
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-450-09, and Conditional Use Permit No. CUP-262-09.

GPA-1-09(A)-SitePlan&CUP-res

EXHIBIT "A"

Site Plan No. SP-450-09, & Conditional Use Permit No. CUP-262-09

10510 Chapman 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 within 30 days of this approval. 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. The Community Development Director may approve modifications, which do not change the intent of the project. If major 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 proper entitlements shall be filed which reflects 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 shall be provided throughout all parking and drive areas at a minimum of two footcandles of light on the parking areas. 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 of the site shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
 - a. 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.

- b. 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.
- c. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

Engineering Services Division

- 6. 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, basement and septic facilities and contamination. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall also make recommendations for pavement design of the interior drive aisle and parking spaces.
- 7. A separate street permit is required for work performed within the public right-of-way.
- 8. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be .50% percent for concrete flow lines, 1.25% percent for asphalt surfaces and 2.0% percent for landscaped areas. The grading plan shall also include water and sewer improvements.
- 9. The applicant shall be subject to Traffic Mitigation Fees.
- 10. 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.
11. 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 on site.
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
 12. All of the storm water shall exit the site subject property via parkway drains. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County PF&RD standards. Parkway culverts shall be constructed per Orange County PF&RD Std. Plan 1309, Type B.
 13. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.

14. The applicant shall reconstruct the alley apron along Nutwood Street. The new alley approach shall be constructed per City Standard Plan No. B-118 in a manner meeting the approval of the City Engineer.
15. The applicant shall remove and replace all uplifted sidewalk panels adjacent to city street trees in a manner meeting the approval of the City Streets Division Manager. All street trees are to be removed and tree wells to be concrete filled per City Streets Division Manager. All USA markings shall be removed prior to completion of the project, and maintain the site free of graffiti and utilize landscaping to minimize/prevent graffiti.
16. New trash enclosures shall be constructed per City Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
17. The existing driveway approach on Chapman Avenue shall be removed and replaced with a new approach in accordance with City Standard Plan B-120. The new approach on Nutwood Street shall be constructed per City Standard Plan B-121. The design and construction of both these driveways shall be done in a manner meeting the approval of the City Engineer. Both of these driveways may provide full access. Any existing power poles impacted by these designs shall be relocated and all costs associated with this relocation shall be borne by the applicant.
18. The applicant shall stripe out one parking space at the end of all dead end drive aisles to facilitate a vehicular turnaround in a manner meeting the approval of the City Traffic Engineer.

Public Works Water Services Division

19. The developer is required to demonstrate hydraulic adequacy for the connection to the City's sewer system and shall provide a sewer study. The study is to also include calculations for the maximum peak flows from the proposed development. A copy of the sewer study shall be provided to Sanitary District. The study shall be conducted for a minimum period of one-week at location(s) approved by the City. The Sanitary District shall approve the contractor and method of conducting the study. Sewer Master Plan indicates that this is a sewer deficient area and is scheduled for future replacement. If the sewer study verifies the system deficiency, then permits cannot be issued until such time that the Garden Grove Sanitary District has rectified the deficiency.
20. If the Sanitary District determines from the sewer study that there is no sewer deficiency the following conditions shall apply:

- a. New water service installations shall be at owner's/developer's expense. Installation shall be by City forces upon payment of applicable fees, unless otherwise noted. Fire services and larger water services (3" and larger) shall be installed by developer/owner's contractor per City Standards.
 - b. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services (3" and larger) shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by a Public Works inspector.
 - c. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division.
21. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
 22. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
 23. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
 24. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing grinders are to be removed.
 25. A properly sized grease trap shall be installed on the waste line and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease trap. All other waste lines shall be drained through the grease trap. Grease trap may be located inside of the building per County Health Department requirements. Prior to City permit issuance, trap location must be approved by the Orange County Health Department as evidenced by their stamp on the plans. Owner shall

maintain comprehensive grease trap maintenance records and shall make them available to the City of Garden Grove upon demand.

26. If applicable, location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
27. If necessary owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.

Building Services Division

28. The building plans, site plan and all construction shall comply with the current editions of the 2007 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. All construction drawings shall be prepared by a California licensed architect or registered design professional. All aspects of the restrooms shall be fully handicap accessible, including but not limited to toilets, sinks, access, doors, etc. Handicap parking spaces shall be relocated to close proximity to main entrance of Buddhist Temple. All aspects of the site development shall be handicap accessible including private alter/retreat for Monks, all hallways, and access ramps to both buildings.

Garden Grove Fire Department

29. All requirements of the Garden Grove Building Division and Fire Department shall be met, including any required occupancy permits and inspections, and providing address numbers readily visible from Chapman Avenue. Also, code provisions of the 2007 California Fire Code and 2007 California Building Code editions shall apply to this development (change occupancy type to A.3/R2 according to 2007 California Fire Code).
30. The assembly/religious areas shall be fully sprinklered using Standard NFPA 13, 1999 Edition. Living area, R-2, shall comply with all codes in California Fire Code, Chapter 9 in regard to fire alarms, sprinklers, and smoke alarms. Facilities shall utilize a 24-hour alarm system service and fire alarm system shall be installed according to NFPA 72.
31. Kitchen and dormitory area of commercial type shall comply with UL300 Extinguishing System.
32. Emergency access shall be maintained at all times on the site, which includes access from Chapman Avenue and from the alley located at the rear of the property. All access lanes shall have a maintained width of 25 feet. All gates on property shall have installed a Knox key system. This includes vehicle gates, pedestrian gates, emergency entrances, and nonemergency entrances.

Community Development Department

33. The developer of the facility shall submit a final landscape plan governing the site. Said plan shall include type, size, location and quantity of all plant material. This includes enhanced landscaping treatment on the property. 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 24-inch box and 15-gallon size trees. These trees shall be incorporated into the landscaping. Where clinging vines are considered for covering walls, Boston Ivy or other variety as approved shall be used.
 - c. The developer shall be responsible for installation and maintenance of all landscaping on the property and the existing/remaining trees 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.
 - e. Any remaining tree stump in the public right-of-way on Nutwood Street shall be removed. All street trees removed along the public right-of-way shall be replaced with a street tree matching the same street trees along Nutwood Street within the landscaped area along the sidewalks. The street tree closest to the east property line shall be removed and replaced with the same type of tree. The new street trees shall be fifteen gallon, be planted in root barriers, have curb, gutter, and sidewalk repaired as necessary, and all the landscape improvements shall be maintained by the applicant and/or successors.
34. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.
35. 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:
- 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.
36. Noise generated by the uses on-site shall be subject to the noise ordinance as adopted by the City of Garden Grove.
37. 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.
38. All lighting on the project site shall be enclosed in vandal resistant fixtures. The fixtures shall be maintained and replaced as needed.
39. 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.
40. Prior to the issuance of 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.
41. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09 and the agreement with all conditions of approval.
42. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the property owner. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
43. Graffiti shall be removed from the project site and all parking lots under the control of the developers within 120 hours of application/notification.
44. Signage for the project shall conform to the sign criteria for signs under Title 9 and shall be obtained with a separate building permit.
45. 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. Religious and related activities shall also take place within the

building and such activities shall not create a nuisance to surrounding properties.

46. The floor plan is an integral part of the decision approving this Conditional Use Permit. Any additional changes in the design of the floor plan shall require the approval of the Community Development Department. Any change in the approved floor plan that has the effect of expanding or intensifying the use shall require a new Site Plan and Conditional Use Permit.
47. The Conditional Use Permit shall be reviewed three (3) years from the date of this Resolution's approval in order to determine if the religious facility is operating in compliance with the Municipal Code and CUP-262-09.
48. A copy of the resolution approving Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, including the conditions of approval, shall be kept on the premises at all times.
49. There shall be no deliveries from or to the premises before 8:00 a.m. and after 8:00 p.m., seven days a week.
50. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign shall be determined by the Community Development Department.
51. In the event that the parking for the Buddhist Temple becomes a problem due to demand for parking that exceeds the on-site parking provided, then the applicant shall submit to the City a parking study acceptable to the City Manager of Garden Grove or his designee, and upon review and approval of such parking study, promptly initiate and implement appropriate modifications and/or actions necessary to ensure that the use of the property has adequate parking to accommodate the activities occurring thereon.
52. Activities occurring on the site such as special events, carnivals, and similar activities, will require City approval of a special event permit. Application for the event permit shall be made a minimum of 30 days prior to the event. If the event creates a parking demand exceeding the number of spaces provided on-site, the representatives of the event/proposed assembly use, shall ensure, through written verification, that arrangements are made to address the overflow parking at least 21 days prior to the event. This includes providing evidence of other secured parking facilities as well as type (secured) shuttle service between the site and secured parking lot(s).
53. The site is being improved with a new Buddhist Temple and is intended be used as a religious facility, as indicated by the applicant, Tri Nguyen Thich, who will reside on the property. The Temple is to be used for religious activities

open to the public, which would include prayer or worship services, weddings, or funeral services. The premises does have living quarters for the Monks and Nuns of this religious order, however, the facility shall not be used as a boarding house or serve as temporary housing/living quarters other than that intended for the specific religious order residing on the site (i.e., the Monks and Nuns under Tri Nguyen Thich). Should any change in the religious activities occur, the filing of a new Conditional Use Permit and/or other proper entitlement(s) shall be required.

54. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning General Plan Amendment No. GPA-1-09(A), Amendment No. A-147-09, Site Plan No. SP-450-09, and Conditional Use Permit No. CUP-262-09. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
 GENERAL PLAN AMENDMENT NO. GPA-1-09(A)
 AMENDMENT NO. A-147-09
 SITE PLAN NO. SP-450-09
 CONDITIONAL USE PERMIT NO. CUP-262-09

APPLICANT: TRI NGUYEN THICH

LOCATION: SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET AT 10510
 CHAPMAN AVENUE

DATE: MARCH 5, 2009

REQUEST: General Plan Amendment to change the Land use designation from Office Professional to Low Density Residential; a Zone Change Amendment to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the 5,261 square foot building for religious assembly and the 4,345 square foot building for living/residence space. Both buildings to have extended roof heights for architectural enhancement. Also, Conditional Use Permit approval for the operation of the proposed religious facility. The site is in the OP (Office Professional) zone.

Staff report was read and recommended approval; however, Public Works would like to add a condition that as an option to a sewer study on Nutwood Street, that the developer be responsible for sewer improvements and connections. Also, the Site Plan and Conditional Use Permit would not be effective until the General Plan Amendment and Amendment for the zone change are approved by City Council. Lastly, staff has received over 60 letters in support of the project.

Commissioner Kirkham questioned whether asbestos testing could be conditioned prior to demolition of the building. Staff responded that it could be conditioned, and noted that asbestos testing is required by AQMD and EPA laws. It was suggested that it could be conditioned for the applicant to be required to provide documentation of AQMD and EPA compliance. Commissioner Kirkham noted that the Commission had asked to condition all projects on the requirement of documentation from AQMD and the EPA. Staff responded that this would be included in future projects.

Commissioner Bankson asked that termite abatement also be addressed prior to demolition in order to prevent issues with the neighbors.

Vice Chair Pak questioned whether the storm drain would be adequate to prevent flooding. Staff responded that there is a catch basin that is sufficient.

Commissioner Brietigam asked whether the project was properly noticed commenting that he didn't receive the customary email. Staff stated that the project was properly noticed.

Commissioner Beard asked whether the existing trees would have to be uprooted and the type of tree that would be planted; he also asked whether the lighting for the project would be shielded, and the access for trash pick-up. Staff stated that the

project design does not allow for many of the existing trees, and would most likely need to be removed and possibly replaced with crape myrtle trees. The lighting is required to be shielded from the neighbors, and the design allows for trash trucks to enter from Chapman and exit on Nutwood. Commissioner Beard also asked whether the Knox box would only be used for emergency access and if it was correct that the ingress will be off of Chapman Avenue and egress off of Nutwood Street with a right turn only. Staff agreed that was correct.

Vice Chair Pak noted that the staff report states that the driveway off of Nutwood is right turn-in/out, and asked for clarification on whether Nutwood allows for ingress and egress. Staff responded that the text is wrong and the site plan elevation allows for a right turn out only onto Nutwood Street. Vice Chair Pak also asked whether the applicant has been approached to dedicate some land to widen Nutwood Street in order to provide a right turn lane. He commented that there is enough setback on the site to do this without eliminating any parking. Staff stated that the east side of Nutwood is red curbed and as you approach the intersection there is room for cars to turn right and left. Vice Chair Pak asked if it was possible to put in a dividing line to create a right turn only in order to avoid a situation whereby two cars attempt a left turn at the same time. Staff agreed that could be a possibility.

Commissioner Beard asked if the transformer would be underground. Staff responded that it will be a surface transformer, but it will be screened.

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

Phong Nguyen, residing in Foothill Ranch, approached the Commission and introduced himself as the designer of the project. Chair Pierce questioned whether Mr. Nguyen has read and agrees with the conditions of approval. Mr. Nguyen stated that the attorney representing the temple would discuss the conditions.

Ms. Belinda Helzer of 2140 W. Chapman Avenue, Orange, California, approached the Commission and introduced herself as a staff attorney from the ACLU representing the temple and the abbot in this on going case with establishing a Buddhist temple at this location. Ms. Helzer asked if condition number 54 regarding the applicant's responsibility for paying the city's legal fees in the event of any legal action was a condition that was applied to any other entitlement application whether religious in nature or not. Staff responded that this condition has been applied to entitlement cases within the past two years. Ms. Helzer commented that in the cases she has reviewed, she has not seen this condition of indemnification applied. Staff noted that the Commission could attest to the fact that within the last two years, this condition has been applied. Ms. Helzer stated that with all due respect, she would not like to see the temple being treated any differently than any other religious organization within the city.

She also asked that there be some negotiation between the city and the applicant with respect to condition number 14 that requires construction of a driveway apron off of Nutwood Street as well as the repair of uplifted sidewalks. She commented that certainly these improvements would benefit the temple, but also the city would benefit as well with a condition that more than likely predates the purchase of the property by the temple.

Vice Chair Pak questioned when the temple was purchased. Ms. Helzer stated that the temple was purchased in 2004 and has been operating under a preliminary court

injunction since 2006 allowing the monastics to pray and meditate together pending a resolution of this issue.

Commissioner Brietigam questioned staff on whether condition number 14 is included to ensure repair to sidewalks due to the damage that will be caused with heavy equipment usage during construction. Staff stated that the concern is for repairing the current condition of uplifted sidewalks.

Vice Chair Pak noted that as a nonprofit, the temple is exempt from property tax. Ms. Helzer noted that as a religious organization, and regardless of religious denomination, the temple has a constitutional right to be exempt from property tax; she further commented that the temple serves the community by providing guidance and support.

Vice Chair Pak questioned why these conditions have not been discussed with staff prior to the meeting. Ms. Helzer claimed that the report was not received in time to review the conditions and to discuss these issues with staff. She also noted that she could not find the report on the city's website.

Commissioner Bankson assured Ms. Helzer that the temple is not being singled out on this condition, and that it has been his experience in the construction industry that it is common for developers to make repairs on public property during construction. Ms. Helzer indicated that this condition is a burden for the temple as the temple is a nonprofit religious organization.

Chair Pierce asked if the temple had been asked to dedicate a portion of their property for street widening. Ms. Helzer stated that she didn't know.

Commissioner Brietigam noted the additional conditions of sewer line construction as well as asbestos testing prior to demolition and asked if the temple is in agreement with these additional conditions.

Staff also noted that the asbestos testing is required by AQMD and the applicant would have to comply prior to demolition. Staff further commented that any kind of negotiation in terms of waiving any kinds of fees for required public improvements would be under the purview of City Council.

Mr. Phong Nguyen, designer of the project, addressed the Commission stating that they are in agreement with the conditions for asbestos testing and removal prior to demolition, and would be working with the city with the sewer line.

Commissioner Brietigam asked if he is in agreement with tenting for termites and eliminating pests prior to demolition. Mr. Nguyen agreed.

Chair Pierce asked if he is in agreement with the conditions of approval.

Mr. Lon Tran, 1055 West 7th Street, Suite 2820, Los Angeles, ACLU co- counsel in the litigation between the temple and the city addressed the Commission. He expressed that condition 54, which requires that the temple take full financial responsibility for fees associated with a lawsuit filed against the city by a neighbor who is unhappy about the temple is a condition that is unfair. He noted that during the time of the settlement agreement between the temple and the city, there was no discussion of future indemnification, and he would not recommend that his client agree to this.

Staff pointed out that if there were a lawsuit filed against the temple by a neighbor, the city is not required to defend any litigation where the third party is the beneficiary of a lawsuit. If the condition were to be removed, and if the applicant is sued and the city is named, there is no legal requirement for the city to defend that lawsuit. The condition is a benefit for the applicant.

Commissioner Brietigam asked if this needs to be continued in order for the applicant to work out the conditions with staff.

Vice Chair Pak suggested abdicating to the City Council in order for the applicant be able to move forward.

Staff encouraged moving forward with the public hearing and giving the applicant an opportunity to work with staff on the conditions prior to final approval from the City Council.

Mr. Tran noted that condition 53 restricts the living quarters to monks and nuns and at times there are visitors from out of state who would need to stay a night or two, and he would like to have some language included in this condition.

Dat Le of 421 Morningside, Santa Ana, representing the Buddhist Family Association, and Joseph Dovich, interpreting for Mr. Le, approached the Commission. Mr. Le spoke in support of the temple and explained his involvement with the Buddhist Family Association and their commitment to promoting scouting within the Buddhist religion.

Mr. Bruce Tran of 13222 Cypress Street, Garden Grove, addressed the Commission, expressing his support of the temple complimenting the design of the project and stated that the temple will serve the Vietnamese American community. He commented that he appreciates the freedom to practice his religion.

Mr. Phong Nguyen, architect for the project, approached the Commission and stated he is available to answer any questions about the design of the temple. Commissioner Beard asked about the style of architecture and about the pond. Mr. Nguyen stated that the architecture is a combination of styles that joins a craftsman style with a traditional Asian style. An empty space was created by the handicap ramps, so he included a pond.

Commissioner Bankson expressed concern that the roofline appears to dwarf everything in the area because of the height. Mr. Nguyen responded that it is an Asian style, with the mass of the roofline lower than the peak.

Vice Chair Pak asked about the capacity of the temple, how long it will take to build the temple, and where the congregation would go while the temple is built. He also asked where Reverend Thich would stay during construction. Mr. Nguyen stated that the design is for the maximum of 300 people, and they have five years to construct the temple.

Ms. Helzer approached the Commission, and stated that the litigation agreement allowed five years to raise funds and build the temple. She indicated that the monastics are allowed to stay, and when the site is destroyed and the temple constructed, they will have to find a place to stay and at this point have not made firm plans.

Mr. Frank Steinhoff of 12161 Nutwood Street, approached the Commission. He stated that he did not receive a notice for the public hearing and he is very concerned about the impact of increased traffic. He commented that the existing facility is currently being used for religious purposes without the benefit of approval.

Ms. Patti Steinhoff of 12161 Nutwood Street, approached the Commission. She expressed her frustration with the city and her complaints that the facility is already being used as a temple and for weddings and events are largely ignored; she provided photographs of overflow parking on weekends at the Boys and Girls Club and complained that the traffic is already very heavy; she expressed that the neighbors don't want to see a temple built on this corner but are afraid of speaking out against the temple as there have been retaliatory threats. She is also concerned that construction on the temple will begin in the very early hours of the morning as they had experienced with the CHOC building on Chapman Avenue.

Mr. Jim Loveder, 976 Sunderland Street, Santa Ana, approached the Commission. He noted that he is a board member of the Vietnamese Heritage and Cultural Foundation of America. He commented on the value of Buddhism providing spiritual growth, enhancement, and support for the community. He claimed that it is appropriate for Buddhist temples to conduct celebrations a few times a year and believes that weddings are held in homes and not at temples. He felt that after two years of litigation it is best to move forward and he supports the temple.

Venerable Thich Chon Thanh of 9561 Bixby, approached the Commission and introduced himself as the master of the Quan Am Temple and a representative of the Vietnamese Interfaith Council. Mr. Joseph Dovich approached as well in order to read a prepared letter addressed to the members of the City Council from the Venerable Thich Chon Thanh that listed the service that has been provided to the Vietnamese community through the efforts of the Buddhist temples and it's associations. The Venerable Thich Chon Thanh requested support from the Commission.

Ms. Jenifer Le of 13182 Raleigh, approached the Commission. She noted that she and her mother regularly attend the Buddhist temple in Santa Ana. She learns Vietnamese and martial arts, and she would greatly appreciate the opportunity to have a temple closer to her home.

Ms. Linda La of 13182 Raleigh and Ms. Nimi Tran, approached the Commission. Ms. Tran read a prepared statement for Ms. La describing how the Buddhist temple has played an important role in her life and she feels that her children have benefited from the community services that are performed by the temple. She asked for support.

Mr. Tony Rector of 10522 Jenny Lane, approached the Commission. He expressed his anger over the temple using the facility illegally since 2004. He asked whether the lawsuit transcript between the city and the temple is available for public review. He asked for assurance that the temple would look like the proposed elevations. He commented on a past proposal for this site that was required to have two traffic studies and the project was still denied. This project has not had to have a traffic study. He thought that with the right turn in off of Chapman Avenue and the right turn out onto Nutwood Street will present a lot of problems. He asked that there be a parking study.

Ms. Quin Ngo approached the Commission. She stated that she has been going to this temple for five months every Sunday, and the parking lot is never full. Most of the congregants are elderly with many of the people car pooling. There are people using the parking lot by people are not associated with the temple. She commented that Buddhists believe in passive resistance and she doesn't believe any congregants would threaten retaliation to neighbors. She noted that construction crews would have to follow the city codes in terms of construction hours. She stated that the temple would welcome anyone in the community who would like to learn about Buddhism.

Mr. John Tran, 11251 Garden Glen, the Civil Engineer for the project approached the Commission. He stated that he proposed a retention tank that will mitigate the sewer issue. He stated that volunteers from the temple would direct traffic at peak times.

Commissioner Beard asked Mr. Tran if everyone leaves the temple at once after services are over. Mr. Tran stated yes, and that they would have volunteers direct the traffic.

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

Staff noted that the Commission can act on all of the conditions before them and the applicant can appeal those conditions they don't agree with to the City Council. If the temple chooses to conduct special celebrations, they would have to apply for a special event permit. The site is an acre in size and located on an arterial street, and does not require any variances.

Vice Chair Pak asked about how many celebrations the temple will conduct, and he also asked about the allowance for the monks to live on site, noting that the priests for St. Columban's lives at the church.

Staff indicated that there are four celebrations a year; and St. Columban's was established prior to the City having the Conditional Use Permit process that conditioned religious facilities.

Commissioner Beard asked what would happen if after five years the project is not yet built. He also asked about condition number 53, and how that would apply to guests. Staff responded that the applicant would have to apply again for approval unless the lawsuit has addressed that issue. Condition number 53 does not allow the temple to be used as a boarding facility or a shelter, but to be used for religious monastics, which would include other monastic guests.

Commissioner Bankson asked about the parking ratio compared to the maximum capacity. Staff stated that the 130 parking spaces meet the code.

Commissioner Brietigam stated that he likes the design of the temple; however, he does not appreciate the applicant coming forward at the meeting to debate conditions at the meeting without first contacting staff.

Commissioner Kirkham stated that he likes this temple and is happy that it is going to be on an arterial street. He stated that as a former Traffic Commissioner, he is aware that Chapman Avenue can accommodate a lot of traffic, and he doesn't think that this is an issue. He noted that St. Columban's was told that street traffic has to be directed by the Police Department and suggested the temple check with the Police

Department. He stated that the applicants do have a right to their temple as they do own this property and he expressed support.

Commissioner Bankson questioned whether the applicants would be held to the design proposed. Staff noted that the conditions address that the design submitted is being considered and that the site plan elevation is an integral part of the entitlement. If the applicant requested a change in the design, it would have to come back to the Planning Commission for approval.

Commissioner Bankson commented in reference to a concern from a resident regarding construction noise before or after the time allowed by law, that it could become a police issue with the possibility of an arrest.

Commissioner Nguyen expressed his desire to learn about other religions, and has visited temples and noted that he has not witnessed mass exiting after services. The temples enhance the neighborhood by the appearance and the service they provide. He expressed support for the project.

Vice Chair Pak noted that in reference to a resident statement regarding a right turn in on Chapman Avenue and a right turn out on Nutwood Street, that there is ingress and egress to the off Chapman Avenue. He stated his support for the project.

Commissioner Beard noted that the conditions are standard and thought that the Planning Commission should keep the conditions as they are. He stated that no project is perfect; however, staff has done a good job with mitigating any issues. Traffic is an issue with all projects and that there would be more traffic if this property were to stay a medical office. He stated that he was most impressed by Jenifer Le, the young lady who spoke in support of the temple, and that she is a testament for the services that are provided by the Buddhist temples. He expressed that this temple is good for the congregants and for the city and he hopes that they meet with success.

Commissioner Brietigam moved to adopt the Negative Declaration, recommend approval of General Plan Amendment No. GPA-1-09(A) and Amendment No. A-147-09 to City Council, and approve Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, with the modifications of the conditions to include sewer line improvements, AQMD documentation for asbestos, and termite inspection and treatment, seconded by Commissioner Kirkham, pursuant to the facts and reasons contained in Resolution Nos. 5673 (GPA/A) and 5674 (SP/CUP). The motion received the following vote:

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

RESOLUTION NO. 5673

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. GPA-1-09(A) CHANGING THE LAND USE MAP FROM OFFICE PROFESSIONAL TO LOW DENSITY RESIDENTIAL, AND CHANGE THE ZONING FROM OFFICE PROFESSIONAL TO R-1, SINGLE-FAMILY RESIDENTIAL, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET AT 10510 CHAPMAN AVENUE, PARCEL NUMBER 089-141-61.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 5, 2009, does hereby recommend approval of General Plan Amendment No. GPA-1-09(A), and Zone Change Amendment No. A-147-09.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based on is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceedings is the City Clerk. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission recommends that the City Council adopt the Negative Declaration including a finding of a de minimis impact on fish and wildlife resources.

BE IT FURTHER RESOLVED in the matter of General Plan Amendment No. GPA-1-09(A), and Zone Change Amendment No. A-147-09, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by Tri Nguyen Thich
2. The applicant is requesting to amend the General Plan Land Use designation by changing the current designation to Low Density Residential); to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility.
3. The Community Development Department has prepared a Negative Declaration for the project, that concludes that the proposed project will

not have a significant adverse effect on the environment; and was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act, Public Resources Code of Regulations Section 21000 et. seq., and the CEQA Guidelines, 14 California Code of Regulations section 15000 et. seq. Therefore, the Planning Commission adopts a Negative Declaration for these entitlements and finds a de minimis impact in relation to fish and wildlife resources.

4. The property has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The 1.8-acre site is improved with a one-story office building.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on March 5, 2009, 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 March 5, 2009; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The one-story office building has occupied the 1.8 acre site for more than 30 years. The existing building improvement will be removed from the site upon project approval.

The General Plan Amendment No. GPA-1-09(A) and Zone Change Amendment No. A-147-09 are being processed in conjunction with Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09.

Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, including the conditions of approval, shall not become effective until the City Council approves the actions under General Plan Amendment No. GPA-1-09(A), Amendment No. A-147-09.

The site has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The General Plan Land Use designation and zoning of the property have to be changed in order to allow for the proposed religious development.

Churches and Religious facilities are permitted in the R-1 zone subject to Conditional Use Permit approval.

FINDINGS AND REASONS:

General Plan Amendment:

1. The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The proposed use of the site is compatible with the other, existing, land uses in the area.
2. The General Plan Amendment will promote the public interest, health, safety, and welfare by maintaining a General Plan land use designation and zoning, which are consistent with the proposed use of the site and with the improvements in the area.
3. The size and shape of the area is suitable for the proposed land use designation of Low Density Residential. The proposed use is consistent with the proposed General Plan land use designation and zoning.

Zone Change Amendment:

1. The Amendment is consistent with the goals and policies of the Land Use Element of the General Plan which support zoning properties with designations that encourage and facilitate the development of underutilized properties, ensuring zoning consistency with the General Plan Land Use designation, and implementing the design and development of the site in conformance with Title 9 Development Standards. Therefore, the proposal to change zoning to the R-1 zone furthers the goals of the General Plan.
2. The Amendment will promote the public interest, health, safety, and welfare, as well as ensure a degree of compatibility with surrounding properties and uses. The subject property has sufficient land area for the uses permitted under the R-1 zone, and the application of the appropriate Title 9 provisions for site landscaping, parking areas, vehicular access, and other requirements applicable to those uses permitted in the R-1 zone, will ensure that the proposed rezone will have a reasonable degree of compatibility with surrounding uses and will not adversely affect the public health, safety, and welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The General Plan Amendment and Zone Change Amendment possess characteristics that would indicate justification of the request. The Planning Commission recommends approval of General Plan Amendment No. GPA-1-09(A) and Zone Change Amendment No. A-147-09.
2. The implementation provisions for General Plan Amendment No. GPA-1-09(A) and Zone Change Amendment No. A-147-09, are found under Planning Commission Resolution No. 5674 for Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09.

ADOPTED this 5th day of March, 2009

/s/ RON PIERCE
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 March 5, 2009, by the following votes:

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

/s/ TERESA POMEROY
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 March 26, 2009.

RESOLUTION NO. 5674

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-450-09, AND CONDITIONAL USE PERMIT NO. CUP-262-09, FOR LAND LOCATED AT THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET, AT 10510 CHAPMAN AVENUE, PARCEL NO. 089-141-61.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 5, 2009, hereby approves Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based on is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceedings is the City Clerk. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission adopts a Negative Declaration including a finding of a de minimis impact on fish and wildlife resources.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Tri Nguyen Thich.
2. The applicant is requesting to amend the General Plan Land Use designation by changing the current designation to Low Density Residential); to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility.
3. The Community Development Department has prepared a Negative Declaration for the project, that concludes that the proposed project will not have a significant adverse effect on the environment; and was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act, Public Resources Code of Regulations Section 21000 et. seq., and the CEQA Guidelines, 14 California Code of Regulations section 15000 et. seq. Therefore, the Planning Commission recommends that the City Council adopt a Negative Declaration and finds a de minimis impact in relation to fish and wildlife resources for these entitlements.

4. The property has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The 1.8 acre site is improved with a one-story office building.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on March 5, 2009, 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 March 5, 2009; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, Land Use Actions, are as follows:

FACTS:

The one-story office building has occupied the 1.8-acre site for more than 30 years. The existing building will be removed from the site upon project approval.

The Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09 are being processed in conjunction with General Plan Amendment No. GPA-1-09(A), and Zone Change Amendment No. A-147-09.

The site has a General Plan Land Use designation of Office Professional and is zoned OP (Office Professional). The General Plan Land Use designation and zoning of the property have to be changed in order to allow for the proposed religious development.

Churches and Religious facilities are permitted in the R-1 zone subject to Conditional Use Permit approval.

FINDINGS AND REASONS:

SITE PLAN:

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

The Site Plan is designed within the parameters of the R-1 zone regarding churches and religious facilities. The site provides landscape setbacks along the street frontages, ingress and egress from an arterial street, parking, and meets other development-related requirements such as building and wall heights.

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

The City's Departments, including Traffic Engineering Division, Fire Department, and Planning Division, have reviewed the plan and all appropriate conditions of approval and mitigation measures will be applied that will minimize any adverse impacts to surrounding streets. The development provides sufficient off-street parking spaces for a religious facility.

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

The adjacent streets are adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby, improving drainage on the site.

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

The development is compatible with the surrounding area. The site is bounded on the east by the Boys and Girls Club of Garden Grove, the north, south, and west with single-family and multi-family residential developments. The surrounding properties to the north, south, and west all have General Plan Land Use designations of Low Density Residential and Low Medium Density Residential, and R-1 and R-2 Zoning designations, and the property to the east has a General Plan Land Use designation of Office Professional and is zoned Office Professional. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments. This is achieved through the building setbacks, building height, landscaping, and parking.

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

The project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of private areas reserved for common use will be achieved.

CONDITIONAL USE PERMIT:

1. The proposed religious type of use, a Buddhist Temple, which is designed for worship services, living quarters, kitchen and dining, office, library, conference room and storage, is consistent with the proposed General Plan and zoning of the site. The R-1 zoning designation implements the General Plan Land Use designation of Low Density Residential, which allows for religious type uses. Based on the description and characteristics of the proposed use, the applicant has expressed that although they are a religious order, they do not intend to conduct outside activities that will be of a nuisance or be detrimental to the surrounding area. The applicant indicates that their activities are conducted within the Temple. Activities on the site are limited to basic living, prayer and study of their religious beliefs and possibly holding wedding and funeral services.
2. The use will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area. The use will be harmonious with the persons who work and live within the area.
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 applicant does demonstrate through site design, building improvements, and subsequent proposed usage of the site for a Buddhist Temple, that the proposal will not be detrimental to properties in the vicinity. The use will be compatible with the surrounding area.
4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The general welfare of the neighborhood relies on the project meeting required development standards concerning building placement, and use of the site with a religious facility. The proposed use will ensure the public health, safety, and general welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Site Plan, Conditional Use Permit).
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-450-09, and Conditional Use Permit No. CUP-262-09.

ADOPTED this 5th day of March, 2009

/s/ RON PIERCE
CHAIR

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 March 5, 2009, by the following votes:

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

/s/ TERESA POMEROY
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 March 26, 2009.

EXHIBIT "A"

Site Plan No. SP-450-09, & Conditional Use Permit No. CUP-262-09

10510 Chapman 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 within 30 days of this approval. 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. The Community Development Director may approve modifications, which do not change the intent of the project. If major 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 proper entitlements shall be filed which reflects 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 shall be provided throughout all parking and drive areas at a minimum of two footcandles of light on the parking areas. 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 of the site shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
 - a. 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.

- b. 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.
- c. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

Engineering Services Division

- 6. 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, basement and septic facilities and contamination. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall also make recommendations for pavement design of the interior drive aisle and parking spaces.
- 7. A separate street permit is required for work performed within the public right-of-way.
- 8. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be .50% percent for concrete flow lines, 1.25% percent for asphalt surfaces and 2.0% percent for landscaped areas. The grading plan shall also include water and sewer improvements.
- 9. The applicant shall be subject to Traffic Mitigation Fees.
- 10. 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.
11. 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 on site.
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
12. All of the storm water shall exit the site subject property via parkway drains. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County PF&RD standards. Parkway culverts shall be constructed per Orange County PF&RD Std. Plan 1309, Type B.
13. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.

14. The applicant shall reconstruct the alley apron along Nutwood Street. The new alley approach shall be constructed per City Standard Plan No. B-118 in a manner meeting the approval of the City Engineer.
15. The applicant shall remove and replace all uplifted sidewalk panels adjacent to city street trees in a manner meeting the approval of the City Streets Division Manager. All street trees are to be removed and tree wells to be concrete filled per City Streets Division Manager. All USA markings shall be removed prior to completion of the project, and maintain the site free of graffiti and utilize landscaping to minimize/prevent graffiti.
16. New trash enclosures shall be constructed per City Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
17. The existing driveway approach on Chapman Avenue shall be removed and replaced with a new approach in accordance with City Standard Plan B-120. The new approach on Nutwood Street shall be constructed per City Standard Plan B-121. The design and construction of both these driveways shall be done in a manner meeting the approval of the City Engineer. Both of these driveways may provide full access. Any existing power poles impacted by these designs shall be relocated and all costs associated with this relocation shall be borne by the applicant.
18. The applicant shall stripe out one parking space at the end of all dead end drive aisles to facilitate a vehicular turnaround in a manner meeting the approval of the City Traffic Engineer.

Public Works Water Services Division

19. The developer is required to demonstrate hydraulic adequacy for the connection to the City's sewer system and shall provide a sewer study. The study is to also include calculations for the maximum peak flows from the proposed development. A copy of the sewer study shall be provided to Sanitary District. The study shall be conducted for a minimum period of one-week at location(s) approved by the City. The Sanitary District shall approve the contractor and method of conducting the study. Sewer Master Plan indicates that this is a sewer deficient area and is scheduled for future replacement. If the sewer study verifies the system deficiency, then permits cannot be issued until such time that the Garden Grove Sanitary District has rectified the deficiency.

The sewer main in Chapman is below the Districts flow criteria and would be adequate for the flows from the proposed development. The developer would be responsible for the engineering, City and County connection fees, permits

and construction of a new sewer lateral connection to the Chapman sewer main.

20. If the Sanitary District determines from the sewer study that there is no sewer deficiency the following conditions shall apply:

- a. New water service installations shall be at owner's/developer's expense. Installation shall be by City forces upon payment of applicable fees, unless otherwise noted. Fire services and larger water services (3" and larger) shall be installed by developer/owner's contractor per City Standards.
- b. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services (3" and larger) shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by a Public Works inspector.
- c. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division.

21. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.

22. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.

23. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.

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

25. A properly sized grease trap shall be installed on the waste line and maintained by the property owner. There shall be a separate sanitary waste line that will

connect to the sewer lateral downstream of the grease trap. All other waste lines shall be drained through the grease trap. Grease trap may be located inside of the building per County Health Department requirements. Prior to City permit issuance, trap location must be approved by the Orange County Health Department as evidenced by their stamp on the plans. Owner shall maintain comprehensive grease trap maintenance records and shall make them available to the City of Garden Grove upon demand.

26. If applicable, location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
27. If necessary owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.

Building Services Division

28. The building plans, site plan and all construction shall comply with the current editions of the 2007 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. All construction drawings shall be prepared by a California licensed architect or registered design professional. All aspects of the restrooms shall be fully handicap accessible, including but not limited to toilets, sinks, access, doors, etc. Handicap parking spaces shall be relocated to close proximity to main entrance of Buddhist Temple. All aspects of the site development shall be handicap accessible including private alter/retreat for Monks, all hallways, and access ramps to both buildings.

Garden Grove Fire Department

29. All requirements of the Garden Grove Building Division and Fire Department shall be met, including any required occupancy permits and inspections, and providing address numbers readily visible from Chapman Avenue. Also, code provisions of the 2007 California Fire Code and 2007 California Building Code editions shall apply to this development (change occupancy type to A.3/R2 according to 2007 California Fire Code).
30. The assembly/religious areas shall be fully sprinklered using Standard NFPA 13, 1999 Edition. Living area, R-2, shall comply with all codes in California Fire Code, Chapter 9 in regard to fire alarms, sprinklers, and smoke alarms. Facilities shall utilize a 24-hour alarm system service and fire alarm system shall be installed according to NFPA 72.
31. Kitchen and dormitory area of commercial type shall comply with UL300 Extinguishing System.

32. Emergency access shall be maintained at all times on the site, which includes access from Chapman Avenue and from the alley located at the rear of the property. All access lanes shall have a maintained width of 25 feet. All gates on property shall have installed a Knox key system. This includes vehicle gates, pedestrian gates, emergency entrances, and nonemergency entrances.

Community Development Department

33. The developer of the facility shall submit a final landscape plan governing the site. Said plan shall include type, size, location and quantity of all plant material. This includes enhanced landscaping treatment on the property. 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 24-inch box and 15-gallon size trees. These trees shall be incorporated into the landscaping. Where clinging vines are considered for covering walls, Boston Ivy or other variety as approved shall be used.
 - c. The developer shall be responsible for installation and maintenance of all landscaping on the property and the existing/remaining trees 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.
 - e. Any remaining tree stump in the public right-of-way on Nutwood Street shall be removed. All street trees removed along the public right-of-way shall be replaced with a street tree matching the same street trees along Nutwood Street within the landscaped area along the sidewalks. The street tree closest to the east property line shall be removed and replaced with the same type of tree. The new street trees shall be fifteen gallon, be planted in root barriers, have curb, gutter, and sidewalk repaired as necessary, and all the landscape improvements shall be maintained by the applicant and/or successors.
34. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.

35. 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:
 - 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.
36. Noise generated by the uses on-site shall be subject to the noise ordinance as adopted by the City of Garden Grove.
37. 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.
38. All lighting on the project site shall be enclosed in vandal resistant fixtures. The fixtures shall be maintained and replaced as needed.
39. 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.
40. Prior to the issuance of 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.
41. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09 and the agreement with all conditions of approval.
42. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the property owner. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
43. Graffiti shall be removed from the project site and all parking lots under the control of the developers within 120 hours of application/notification.

44. Signage for the project shall conform to the sign criteria for signs under Title 9 and shall be obtained with a separate building permit.
45. 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. Religious and related activities shall also take place within the building and such activities shall not create a nuisance to surrounding properties.
46. The floor plan is an integral part of the decision approving this Conditional Use Permit. Any additional changes in the design of the floor plan shall require the approval of the Community Development Department. Any change in the approved floor plan that has the effect of expanding or intensifying the use shall require a new Site Plan and Conditional Use Permit.
47. The Conditional Use Permit shall be reviewed three (3) years from the date of this Resolution's approval in order to determine if the religious facility is operating in compliance with the Municipal Code and CUP-262-09.
48. A copy of the resolution approving Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, including the conditions of approval, shall be kept on the premises at all times.
49. There shall be no deliveries from or to the premises before 8:00 a.m. and after 8:00 p.m., seven days a week.
50. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign shall be determined by the Community Development Department.
51. In the event that the parking for the Buddhist Temple becomes a problem due to demand for parking that exceeds the on-site parking provided, then the applicant shall submit to the City a parking study acceptable to the City Manager of Garden Grove or his designee, and upon review and approval of such parking study, promptly initiate and implement appropriate modifications and/or actions necessary to ensure that the use of the property has adequate parking to accommodate the activities occurring thereon.
52. Activities occurring on the site such as special events, carnivals, and similar activities, will require City approval of a special event permit. Application for the event permit shall be made a minimum of 30 days prior to the event. If the event creates a parking demand exceeding the number of spaces provided on-site, the representatives of the event/proposed assembly use, shall ensure, through written verification, that arrangements are made to address the overflow parking at least 21 days prior to the event. This includes providing

evidence of other secured parking facilities as well as type (secured) shuttle service between the site and secured parking lot(s).

53. The site is being improved with a new Buddhist Temple and is intended be used as a religious facility, as indicated by the applicant, Tri Nguyen Thich, who will reside on the property. The Temple is to be used for religious activities open to the public, which would include prayer or worship services, weddings, or funeral services. The premises does have living quarters for the Monks and Nuns of this religious order, however, the facility shall not be used as a boarding house or serve as temporary housing/living quarters other than that intended for the specific religious order residing on the site (i.e., the Monks and Nuns under Tri Nguyen Thich). Should any change in the religious activities occur, the filing of a new Conditional Use Permit and/or other proper entitlement(s) shall be required.
54. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning General Plan Amendment No. GPA-1-09(A), Amendment No. A-147-09, Site Plan No. SP-450-09, and Conditional Use Permit No. CUP-262-09. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
55. Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09, including the conditions of approval, shall not become effective unless and until the City Council approval and adoption of General Plan Amendment No. GPA-1-09(A), and rezone Amendment No. A-147-09.
56. Prior to obtaining any building permits, if any structure or portion thereof, is to be removed, demolished, or relocated on the subject site, the applicant/developer shall provide a written report verifying whether any hazardous material exists or not exists (e.g., asbestos, lead based paint, including report a on vermin, rodents, and termites or other pests) to the City of Garden Grove Building Division and the report shall declare how such hazardous material and/or vermin will be properly removed and properly discarded so as not to affect adjacent properties. This includes, but not limited to, obtaining permits from Air Quality Management District (AQMD), Environmental Protection Agency (EPA), and any other agency with jurisdiction thereon. This may also include tenting for termites or proper removal

techniques for dealing with rodents/vermin infestation, and/or any other action necessary to mitigate any negative effects on adjacent properties, all of which is to be done to the satisfaction of the agencies with jurisdictions thereon.

GPA-1-09 coa

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING
A NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT
NO. GPA-01-09(A).

WHEREAS, the case, initiated by Tri Nguyen Thich, is requesting to amend the General Plan Land Use designation by changing the current designation to Low Density Residential; to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility. The property is located at the southeast corner of Chapman Avenue and Nutwood Street, at 10510 Chapman Avenue, Parcel Number 089-141-61; and

WHEREAS, the Planning Commission, at a public hearing held on March 5, 2009, recommended adoption of a Negative Declaration and recommended approval of General Plan Amendment No. GPA-01-09(A) pursuant to Resolution No. 5673; and

WHEREAS, the Planning Commission recommended adoption of a Negative Declaration together with the comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceeding is the Director of Community Development. The Planning Commission found, on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission recommends adoption of a Negative Declaration; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on April 14, 2009, 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 April 14, 2009.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

1. General Plan Amendment No. GPA-01-09(A) is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5673, 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.

Resolution No.

Page 2

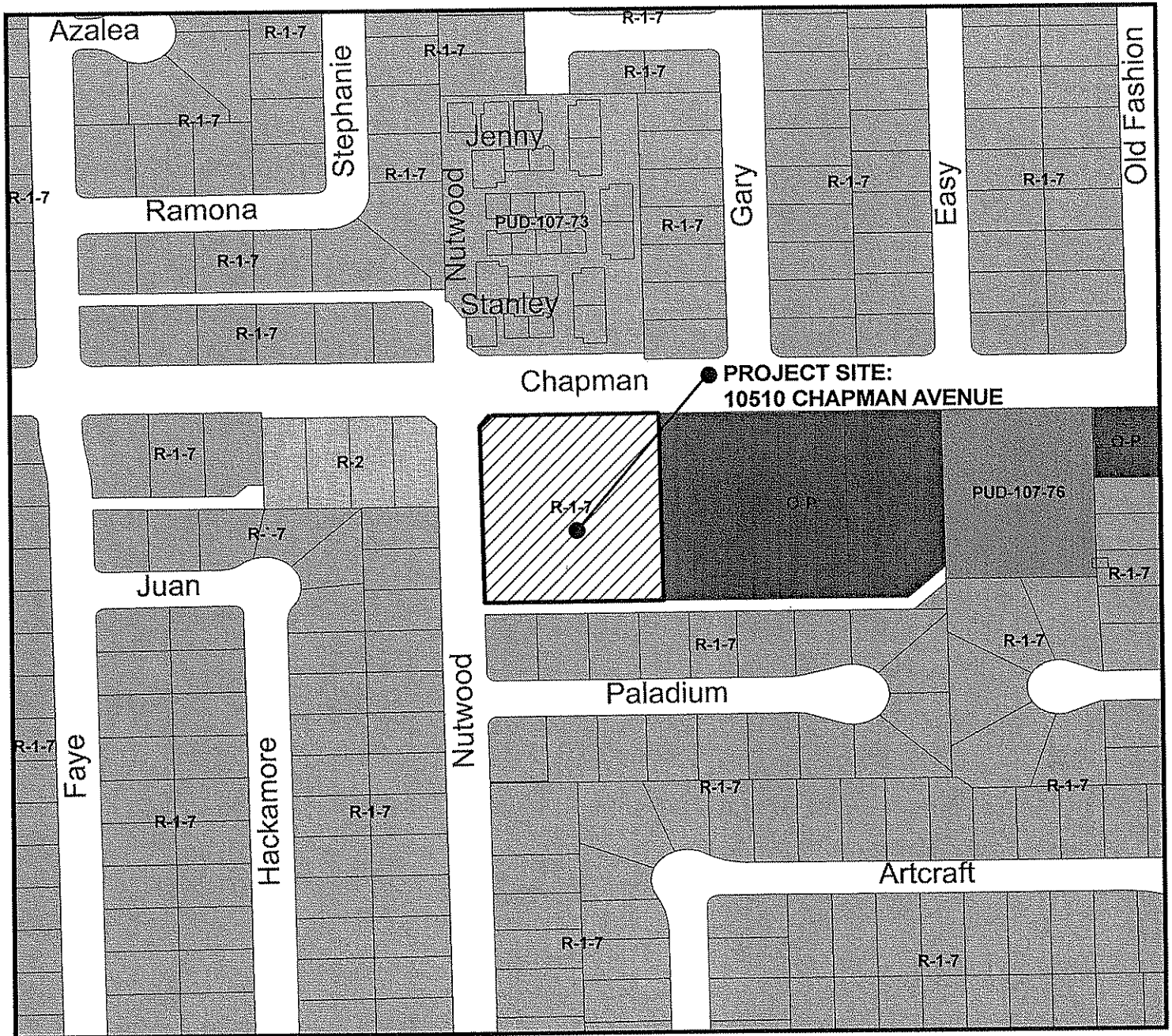
2. The property shown on the attached map is changed from Office Professional to Low Density Residential. The General Plan map is amended accordingly.



GENERAL PLAN AMENDMENT NO. GPA-1-09 (A) & AMENDMENT CASE NO. A-147-09

GARDEN GROVE

CHANGE FROM OFFICE PROFESSIONAL TO LOW DENSITY RESIDENTIAL
REZONE FROM OP TO R-1-7 (SINGLE FAMILY RESIDENTIAL)



PROJECT SITE:
10510 CHAPMAN AVENUE

LEGEND

 PROJECT SITE

NOTES

SITE ADDRESS: 10510 CHAPMAN AVENUE



CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
FEBRUARY 2009

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING ZONE CHANGE AMENDMENT NO. A-147-09, TO CHANGE THE ZONING DESIGNATION FROM OFFICE PROFESSIONAL (OP) TO R-1-7 (SINGLE-FAMILY RESIDENTIAL).

WHEREAS, the case, initiated by Tri Nguyen Thich, is requesting to amend the General Plan Land Use designation by changing the current designation to Low Density Residential; to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility. The property is located at the southeast corner of Chapman Avenue and Nutwood Street, at 10510 Chapman Avenue, Parcel Number 089-141-61; and

WHEREAS, the Planning Commission, at a public hearing held on March 5, 2009, recommended adoption of a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for this project for Zone Change Amendment No. A-147-09; and

WHEREAS, pursuant to Resolution No. 5673, the Planning Commission, at a public hearing held on March 5, 2009, recommended approval of Amendment No. A-147-09; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on April 14, 2009, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City of Garden Grove City Council, in regular session assembled on April 14, 2009, does hereby adopt a Negative Declaration for land located at the southeast corner of Chapman Avenue and Nutwood Street, at 10510 Chapman Avenue, Parcel Number 089-141-61.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Garden Grove City Council has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The City of Garden Grove City Council finds on the basis of the whole record before it, including the initial study and comments received,

that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the City of Garden Grove City Council adopts the Negative Declaration.

Section 2. Amendment No. A-147-09 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5673, 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 if set forth in full.

Section 3. The property shown on the map attached hereto is rezoned to R-1-7 (Single-Family Residential) as shown thereon. Zone Map part O-9 is amended accordingly.

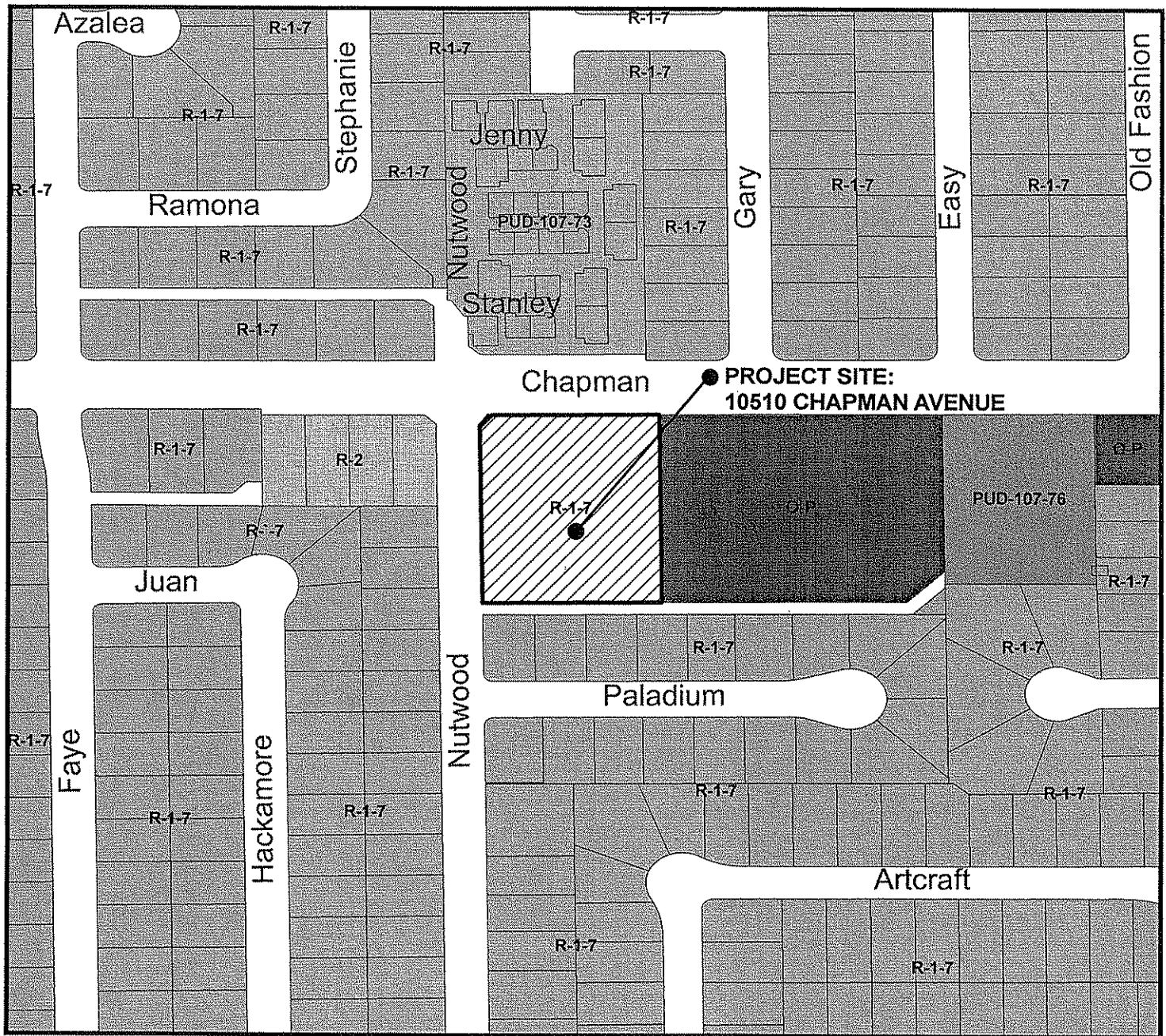
Section 4. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.



GENERAL PLAN AMENDMENT NO. GPA-1-09 (A) & AMENDMENT CASE NO. A-147-09

GARDEN GROVE

CHANGE FROM OFFICE PROFESSIONAL TO LOW DENSITY RESIDENTIAL
REZONE FROM OP TO R-1-7 (SINGLE FAMILY RESIDENTIAL)



PROJECT SITE:
10510 CHAPMAN AVENUE

LEGEND

 PROJECT SITE

NOTES

SITE ADDRESS: 10510 CHAPMAN AVENUE



CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
FEBRUARY 2009

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DENYING THE APPEAL TO MODIFY SPECIFIC CONDITIONS OF APPROVAL AND TO
UPHOLD THE PLANNING COMMISSION'S DECISION TO APPROVE SITE PLAN
NO. SP-450-09 AND CONDITIONAL USE PERMIT NO. CUP-262-09, IN ITS ENTIRETY.

WHEREAS, the case, initiated by Tri Nguyen Thich, is requesting to amend the General Plan Land Use designation by changing the current designation to Low Density Residential; to rezone the 1.8-acre site to R-1-7 (Single-Family Residential) to allow a religious facility on the site; Site Plan approval to construct two, one-story buildings for religious purposes (Buddhist Temple) with the first 5,261 square foot building for religious assembly, the second 4,345 square foot building for living/residence space, and both buildings to have extended roof heights for architectural enhancement; and, Conditional Use Permit approval for the operation of the proposed religious facility. The property is located at the southeast corner of Chapman Avenue and Nutwood Street, at 10510 Chapman Avenue, Parcel Number 089-141-61; and

WHEREAS, the Planning Commission, at a public hearing held on March 5, 2009, recommended adoption of a Negative Declaration and recommended approval of General Plan Amendment No. GPA-01-09(A) pursuant to Resolution No. 5673; and

WHEREAS, pursuant to Resolution No. 5674, the Planning Commission, at a public hearing on March 5, 2009, approved Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09; and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on April 14, 2009, 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 April 14, 2009.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

1. The City Council denies the appeal and upholds the Planning Commission's decision to maintain Site Plan No. SP-450-09 and Conditional Use Permit No. CUP-262-09 as approved in its entirety, which maintains the specific Conditions of Approval Nos., 14, 15, 18, 19, 52, and 53 as originally approved.

A copy of Planning Commission Resolution No. 5674, and the revised conditions of approval as referenced in Exhibit "A" are 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.