



## AGENDA

### GARDEN GROVE PLANNING COMMISSION

#### REGULAR MEETING

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APRIL 5, 2018

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

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

ROLL CALL: CHAIR BRIETIGAM, VICE CHAIR TRUONG  
COMMISSIONERS KANZLER, LAZENBY, LEHMAN, NGUYEN,  
SALAZAR

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center Council Chamber at the time of the meeting.

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

#### PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: March 15, 2018
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
  - C.1. SITE PLAN NO. SP-050-2018  
CONDITIONAL USE PERMIT NO. CUP-128-2018

APPLICANT: JARED HARDIN

LOCATION: SOUTHWEST CORNER OF HARBOR BOULEVARD  
AND WOODBURY ROAD AT 13731 HARBOR  
BOULEVARD

REQUEST: Site Plan approval to demolish an existing 2,747 square foot accessory building on a lot improved with an existing main building of 21,708 square feet and to construct a new, approximately 5,485 square foot addition with site improvements to the parking lot, landscaping, lighting, service office and canopy, offices, and display areas, in conjunction with a request for Conditional Use Permit approval to allow the operation of a motor vehicle sales and maintenance facility. The site is in the C-3 (Heavy Commercial) zone. This project is exempt pursuant to CEQA Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018, subject to the recommended Conditions of Approval.

- D. ITEM(S) FOR CONSIDERATION
  - D.1. REVIEW OF THE CODE OF ETHICS
- E. MATTERS FROM COMMISSIONERS
- F. MATTERS FROM STAFF
- G. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION  
Council Chamber, Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes  
Thursday, March 15, 2018

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair Brietigam  
Vice Chair Truong  
Commissioner Kanzler  
Commissioner Lazenby  
Commissioner Lehman  
Commissioner Nguyen  
Commissioner Salazar

Absent: None

PLEDGE OF ALLEGIANCE: Led by Vice Chair Truong.

ORAL COMMUNICATIONS – PUBLIC – Mr. Josh McInstosh asked staff for the percentage of market rate units versus low-income units at Brookhurst Triangle development. Staff would connect him with Greg Blodgett of Economic Development.

MARCH 1, 2018 MINUTES:

Action: Received and filed.

Motion: Lehman Second: Lazenby

Ayes: (5) Brietigam, Lazenby, Lehman, Nguyen, Truong  
Noes: (0) None  
Abstain: (2) Kanzler, Salazar

Commissioner Kanzler recused himself from the meeting due to a conflict of interest explaining that he lived across the street from the following project.

PUBLIC HEARING – SITE PLAN NO. SP-045-2018, CONDITIONAL USE PERMIT NO. CUP-121-2018, CONDITIONAL USE PERMIT NO. CUP-122-2018, AND CONDITIONAL USE PERMIT NO. CUP-123-2018. FOR PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN CIVIC CENTER DRIVE AND 9<sup>TH</sup> STREET AT 12951 7<sup>TH</sup> STREET, 12932 AND 12942 8<sup>TH</sup> STREET, 12931 AND 12941 9<sup>TH</sup> STREET, AND 11421, 11461, AND 11301 GARDEN GROVE BOULEVARD.

Applicant: CHRIS BENNETT (COTTAGE INDUSTRIES, LLC.)

Date: March 15, 2018

Request: A request by Cottage Industries, LLC for approval of a Site Plan and three (3) Conditional Use Permits for the Cottage Industries project. The proposed Site Plan would allow the conversion of four (4) existing residential structures and two (2) existing accessory structures into commercial restaurant and retail use; the construction of two (2) new commercial buildings with a combined square footage of approximately 2,284 square feet to accommodate a communal lounge area, a restaurant, restrooms, and facility storage for the project; construction of accessory trellis and patio shade structures with a combined square footage of approximately 4,900 square feet; and the conversion of two parcels into a surface parking lot to serve the development. One of the proposed Conditional Use Permits would allow for the outdoor consumption/sales of alcohol within the communal area of the development and outdoor entertainment. The other two proposed Conditional Use Permits would allow for the operation of a new restaurant, located at 12932 8<sup>th</sup> Street, with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General) License, and a new restaurant, located 12941 9<sup>th</sup> Street, with Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General) License and entertainment. Each proposed Conditional Use Permit includes a request pursuant to Garden Grove Municipal Code Section 9.18.090.040.f.9 for waiver of distance and location provisions to allow the proposed uses within 200 feet of properties containing residential uses. The Planning Commission will also consider a determination that the Cottage Industries project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to the CEQA guidelines, including, but not limited to, Section 15332 thereof. The site is in the CC-1 (Civic Center East) zone. This project is exempt pursuant to CEQA Section 15332 – In-Fill Development Project.

Action: Public Hearing held. Speaker(s): Chris Bennett, Sara Soto, Clifford Hampton, George Alvarez, Gene Felling, Josh McIntosh, Linda Sadeghi, Maureen Blackmun, Gerald Sloan, John Ramirez.

Action: Resolution Nos. 5908-18, 5909-18, and 5910-18 were approved.

Motion: Lazenby Second: Lehman

Ayes: (6) Brietigam, Lazenby, Lehman, Nguyen, Salazar, Truong

Noes: (0) None

Absent: (1) Kanzler

Chair Brietigam called a ten minute recess at 8:09 p.m. The meeting reconvened with Commissioner Kanzler present at 8:20 p.m.

PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION, PLANNED UNIT DEVELOPMENT NO. PUD-008-2018, GENERAL PLAN AMENDMENT NO. GPA-001-2018, SITE PLAN NO. SP-048-2018. FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET AT 10080 GARDEN GROVE BOULEVARD.

Applicant: AMG & ASSOCIATES, LLC  
Date: March 15, 2018

Request: To repurpose an existing 8-Story, unfinished, steel structure to a 400-unit senior housing project by amending the General Plan Land Use designation from Residential/Commercial Mixed Use 1 to Community Residential to increase the residential density from 42 dwelling units per acre to 60 dwelling units per acre specifically for senior housing; to rezone the site from Garden Grove Boulevard Mixed Use 1 (GGMU1) to Planned Unit Development (PUD) to implement the new General Plan designation; and Site Plan review for the proposed senior housing project which includes additional building mass and an increase in developable site area to 5.09 acres from 3.09 acres. The Developer is also requesting a density bonus of 35% under the State Density Bonus allowance and three concessions: a reduction in unit size from minimum requirements; a reduction in the required overall open space; and an increase in the number of allowable compact spaces. The site is in the GGMU1 (Garden Grove Boulevard Mixed Use 1) zone.

The Planning Commission will also consider adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the modified project.

Action: Public Hearing held. Speaker(s): Alexis Gevorgian, Maureen Blackmun, Bill Grant, Josh McIntosh. One letter of support was submitted by Cindy Spindle of the Garden Grove Chamber of Commerce.

Action: Resolution Nos. 5914-18 (PUD/GPA) and 5915-18 (SP) were approved.

Motion: Kanzler Second: Truong

Ayes: (7) Brietigam, Kanzler, Lazenby, Lehman, Nguyen, Salazar, Truong

Noes: (0) None

MATTERS FROM COMMISSIONERS: Referring to the Cottage Industries project, Commissioner Kanzler commented that he liked the idea of a local family area to walk to eat instead of using a car.

Commissioner Lazenby expressed concern for increased traffic and pedestrian safety on 9<sup>th</sup> Street, especially with several schools in the area, and asked if there was a method to reduce traffic speed and have more safe crosswalks. Staff responded that the crosswalk at Stanford Avenue could be enhanced with additional stripes, signage, and pedestrian-actuated flashing beacons, however, the amount of traffic did not warrant a signal at that location. Also, speed limits were based on traffic engineering studies every five years, with the next study two years out, though with changed demographics, the next study may indicate the speed should be lowered. Staff then added that a recently received Caltrans grant for the Active Downtown Plan would look at the disadvantaged neighborhoods to the east to determine how to better the downtown area as a whole for pedestrians and bicycle riders.

Chair Brietigam challenged the City to find funding to increase the size of the Police Department to 200 sworn by the year 2020, especially with the increase of homelessness and release of prisoners.

MATTERS FROM STAFF: Staff gave a brief description of public hearing items for the next regular Planning Commission meeting on April 5<sup>th</sup>.

ADJOURNMENT: At 9:26 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, April 5, 2018, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion:	Lazenby	Second:	Lehman
Ayes:	(7)	Brietigam, Kanzler, Lazenby, Lehman, Nguyen, Salazar, Truong	
Noes:	(0)	None	

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Judith Moore  
Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southwest corner of Harbor Boulevard and Woodbury Road, located at 13731 Harbor Boulevard
<b>HEARING DATE:</b> April 5, 2018	<b>GENERAL PLAN:</b> Heavy Commercial (HC)
<b>CASE NO.:</b> Site Plan No. SP-050-2018 & Conditional Use Permit No. CUP-128-2018	<b>ZONE:</b> Heavy Commercial (C-3)
<b>APPLICANT:</b> Jared Hardin	<b>CEQA DETERMINATION:</b> Exempt - 15301 - Existing Facilities
<b>PROPERTY OWNER:</b> Gerardo C. Vega and Thomas C. Walbridge, Trustee of the Thomas C. Walbridge Trust	<b>APN:</b> 100-130-52

**REQUEST:**

The applicant is requesting approval of a Site Plan to demolish an existing 2,747 square foot accessory building on a 101,407 square foot lot improved with an actual useable building area of 21,708 square feet, which is composed of a two-story auto sales and repair facility, to construct an approximately 5,485 square foot addition to the existing auto sales and repair building along with site improvements that include: revisions to the parking and landscaping area, adding new perimeter lighting; service office and canopy addition, interior offices, and auto display areas. The Applicant is also requesting approval of a new Conditional Use Permit for an auto sales, service, parts, and inventory facility on two floors under a roof structure of approximately 30,193 square feet on a 101,407 square foot lot. An auto sale and repair business currently operates on the Site pursuant to Conditional Use Permit No. CUP-550-01. Upon approval of the proposed new Conditional Use Permit, Conditional use Permit No. CUP-550-01 would be deemed void and of no further force and effect.

**PROJECT STATISTICS**

	<b>CODE REQUIREMENT</b>	<b>PROVIDED</b>
<b>Lot Size</b>	20,000 square feet	101,407 square feet
<b>Lot Width</b>	75'-0"	267'-0"
<b>Parking</b>	93	112
<b>Landscaping</b>	2,346 square feet	4,400 square feet
<b>Building Height</b>	3 stories or 35'-0"	2 stories or 26'-3"
<b>Building Setbacks</b>		
Front	15'-0"	15'-0"
Rear	10'-0"	10'-0"
Street Side	10'-0"	10'-0"
Interior Side	0'-0"	0'-0"

**BACKGROUND:**

The subject site is a single parcel, approximately 101,407 square foot in size, located on the southwest corner of Harbor Boulevard and Woodbury Road at 13731 Harbor Boulevard. The site is improved with an existing approximately 21,708 square foot, two-story building that is under an approximately 20,988 square foot roof, located on the center portion of the property that is used for auto sales, display, and the repair of recreational vehicles. Along Woodbury Road, on the northwest corner, there is a 2,747 square feet accessory building. There are three (3) access points onto the site, one (1) on the east side along Harbor Boulevard, and two (2) entrances to the north, along Woodbury Road, leading to the adjacent customer parking area and to the auto and recreational vehicle parking area located on the west rear side of the property.

The subject site has a General Plan Land Use Designation of Heavy Commercial (HC) and is zoned C-3 (Heavy Commercial). The property abuts C-3 (Heavy Commercial) zoned properties to the south, north across Woodbury Road, East across Harbor Boulevard, and M-1 (Limited Industrial) north, across Woodbury Road, and west.

A historical review of the City's Business Licenses shows that as of 1997, the site was used to repair and paint recreational vehicles. On May 18, 2001, Director's Review DR-03-01 was approved, allowing for the sale of motor vehicles for a period of sixty days. On June 7, 2001, Conditional Use Permit No. CUP-550-01 was approved, allowing for sale of motor vehicles along with the continued repair and paint of recreational vehicles use. The Municipal Code requires the approval of a new Site Plan when there is a proposal for "any new building or structure or any addition to an existing structure or building that exceeds ten percent (10%) of the existing floor area, or one thousand square feet, whichever is less." The Municipal Code requires the approval of a new Conditional Use Permit when there is a proposal "for any expansion in floor area of a use currently under provisions of an approved conditional use permit" and/or "for any new use or intensification of uses



at a facility currently being operated under provisions of an approved Conditional Use Permit”.

## **DISCUSSION:**

### **SITE PLAN**

#### **Site Design and Circulation**

The subject site layout is designed with three (3) access points: The first driveway, located along Harbor Boulevard, is ingress only and leads directly to the customer parking area. The second and third driveways, located along Woodbury Road, are both ingress and egress points that lead directly to the adjacent customer parking area and the service drop-off and pick-up area, the service bays, employee parking, and to the auto inventory parking area located on the west rear side of the property. The delivery of vehicles will be via a typical sixty-five foot (65'-0") long car carrier that will access the site via the second, most westerly driveway from Harbor Boulevard off of Woodbury Road. The car carrier will turn onto and unload the vehicles on-site, then exit the site via the same driveway. (Note: Woodbury Road is a street that terminates into a cul-da-sac approximately 470' from the second driveway). The sales and service customers, and employees will access the site via any of these driveways. Part of the perimeter improvements include the replacement of the existing perimeter lighting with a new, efficient system that will compliment the building's architecture. The lighting fixtures will include shields to direct lighting down on-site rather than towards the public right-of-way.

The site is improved with an existing approximately 21,708 square foot, two-story building located on the center portion of the property. The building improvements include adding 5,485 square feet to the existing auto sales and repair building on two floors. The proposal includes the demolition of the 2,747 square foot accessory building located along Woodbury Road, on the northwest corner.

#### **Floor Plan**

Under the expanded roofed structure, the applicant proposes on first floor, exterior and interior auto display areas; multiple offices; a consultation space; a lounge; a storage room; a car wash area; a mechanical room; a 15-bay service area; a service area drop-off and pick-up situated under a new canopy, and an auto staging area. On the second floor, there will be a storage area, multiple offices, and a conference room.

#### **Building Design**

The proposed elevations will consist of a cement, smooth trowel finish with precise vertical and horizontal joint lines, along with decorative covered columns, and a door and window storefront system that will create large uninterrupted window openings. The building colors will consist of neutral colors and tones, such as grey, silver, and white along with tactical use of red, present in the Kia brand. The design of the façade will provide strategic areas for sign placement. Overall, the

architecture and design of the building aligns itself as contemporary architecture, sleek, streamlined, and modern.

#### Parking

The City's Municipal Code Section 9.16.040.150, Parking Spaces Required, Commercial Uses, No. 11, Auto and boat sales, leasing, requires one (1) parking space per 400 square feet of gross floor area of inside display, plus one (1) space per 2,000 square feet of outside display, plus one (1) space per 500 square feet of gross floor area of repair, plus one (1) space per 300 square feet of gross floor area of parts storage and sales area. Therefore, based on the applicant's proposed spaces and square footage, code requires a minimum of ninety-three (93) parking spaces for the proposed project. The proposed site design provides a total of one hundred twelve (112) parking spaces on-site; broken down as one hundred and ten (107) standard parking spaces, eight (8) of those being electrical vehicle parking spaces, five (5) accessible parking spaces, consisting of two (2) van accessible spaces, and three (3) standard accessible parking spaces.

#### Landscape

The City's Municipal Code Section 9.16.040.070, Landscaping Requirements, requires for this type of development that all setbacks are to be landscaped and ten percent (10%) of all net developable site area for parking areas. The proposed project meets the minimum requirement by providing approximately 4,400 square feet of landscaping. The ten percent (10%) requirement is 2,346 square feet. As a condition of approval, the applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirement of Title 9 of the Municipal Code.

#### Signage

The applicant is required to submit an application for sign review with detailed and fully dimensioned drawings to the Planning Division for review and approval.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 5916-18 approving Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018, subject to the recommended conditions of approval.

  
Lee Marino  
Planning Services Manager

By:   
Paul Guerrero  
Senior Program Specialist

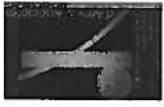












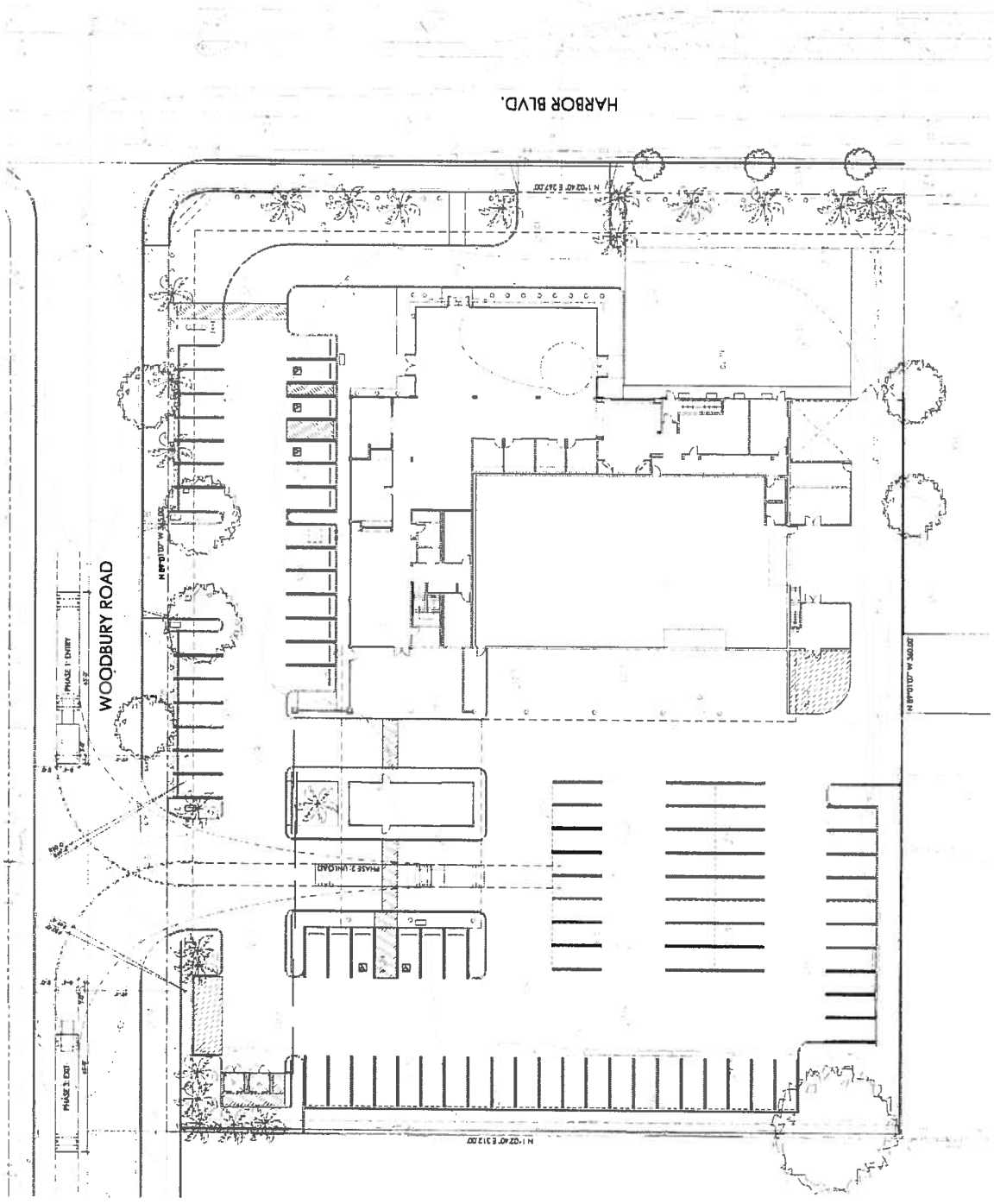
# GARDEN GROVE KIA

13731 HARBOR BLVD  
GARDEN GROVE, CA 92843

PROJECT

DATE: 02.25.18  
JOB # 1749  
SCALE: 1/8" = 1'-0"  
SITE CIRCULATION EXHIBIT  
A093

2018-02-26, ENTITLEMENT SET











# GARDEN GROVE KIA

13731 HARBOR BLVD  
GARDEN GROVE, CA 92843

REVISED

JOB # 1749  
32, 33, 35  
REFERENCE  
SECOND FLOOR  
PLAN  
SCALE 1/8" = 1'-0"  
**A220**

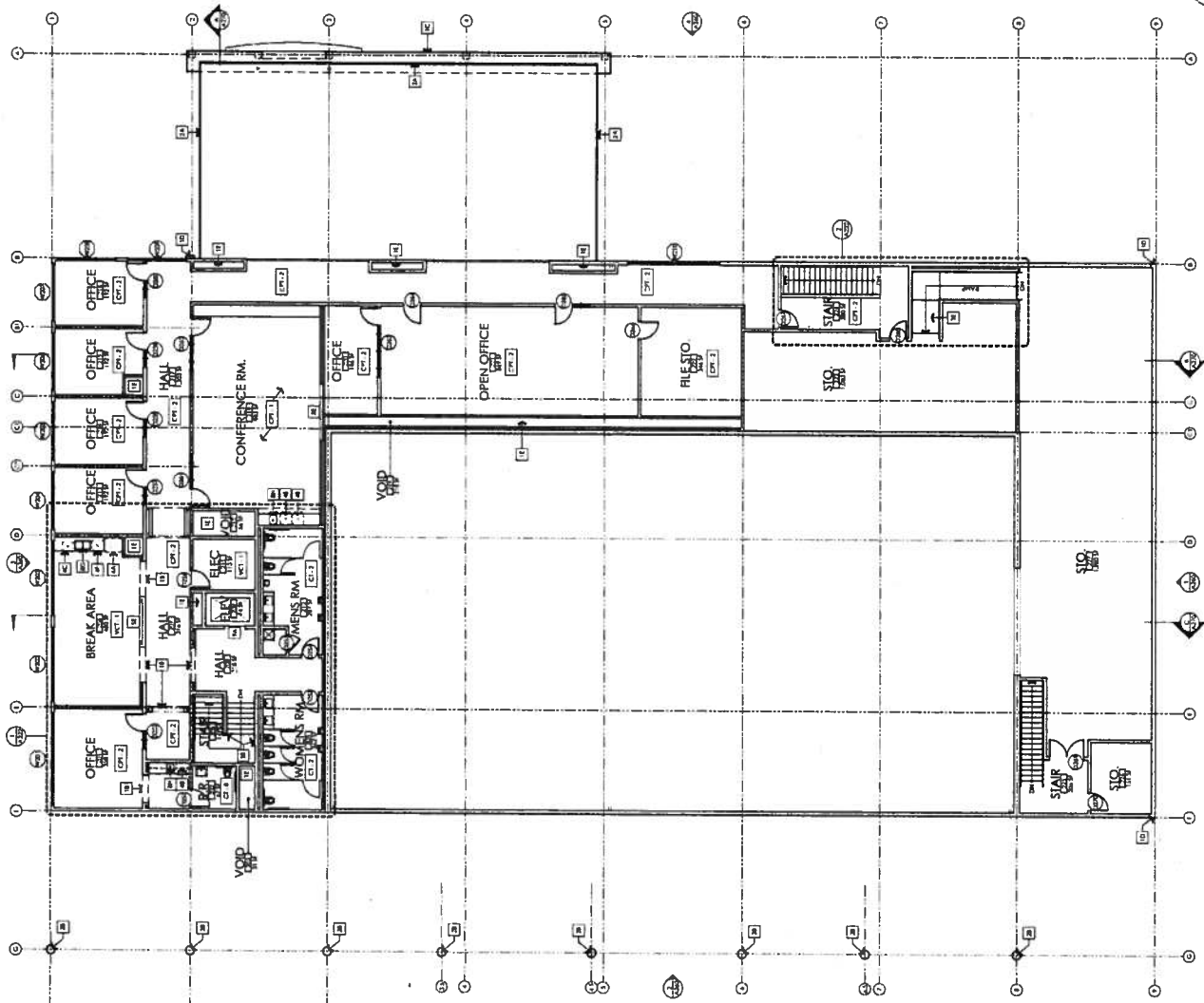
2018-02-26, ENTITLEMENT SET

## FLOOR PLAN NOTES

1. ALL DIMENSIONS ARE TO THE FACE OF WALL UNLESS NOTED OTHERWISE.
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## FLOOR PLAN KEYNOTES

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## ROOM INFORMATION TABLES

NO.	ROOM NAME	AREA (SQ. FT.)	VOLUME (CU. FT.)
101	OFFICE	120	1200
102	OFFICE	120	1200
103	OFFICE	120	1200
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200	OFFICE	120	1200





# GARDEN GROVE KIA

13731 HARBOR BLVD  
GARDEN GROVE, CA 92843

REVISIONS

DATE: 1/24/19  
BY: J.S.

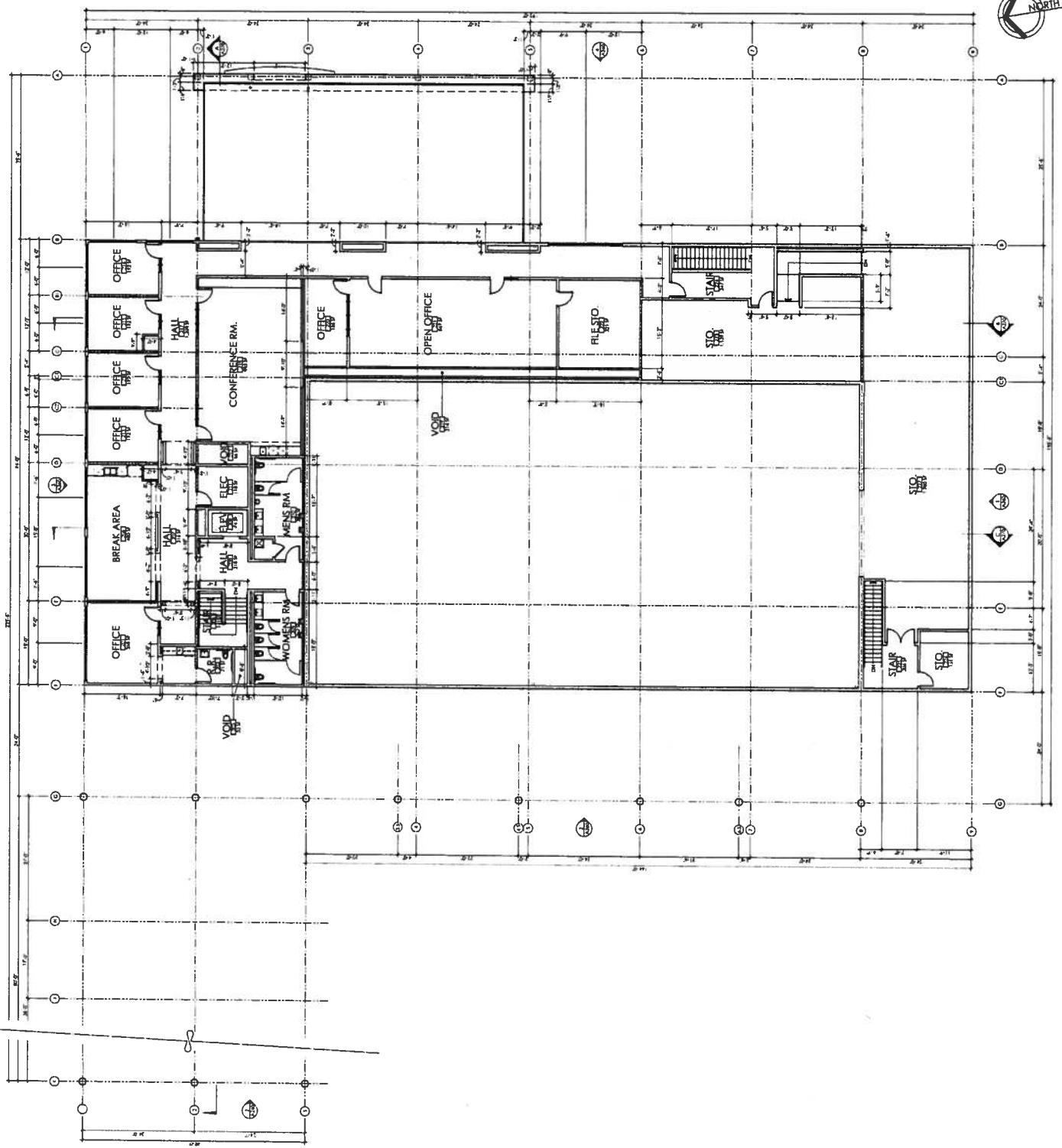
DIMENSIONED  
SECOND FLOOR  
PLAN

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

## A221

2018-02-26 ENTITLEMENT SET

- ### FLOOR PLAN NOTES
- ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS NOTED OTHERWISE.
  - DOOR SWING: UNLESS NOTED OTHERWISE, DOORS SWING INTO THE ROOM.
  - ALL EXTERIOR FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR EXTERIOR FINISHES.
  - ALL INTERIOR FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR INTERIOR FINISHES.
  - ALL CEILING FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR CEILING FINISHES.
  - ALL FLOOR FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR FLOOR FINISHES.
  - ALL WALL FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR WALL FINISHES.
  - ALL WINDOW FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR WINDOW FINISHES.
  - ALL DOOR FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR DOOR FINISHES.
  - ALL STAIR FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR STAIR FINISHES.
  - ALL ELEVATOR FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR ELEVATOR FINISHES.
  - ALL MECHANICAL FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR MECHANICAL FINISHES.
  - ALL ELECTRICAL FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR ELECTRICAL FINISHES.
  - ALL PLUMBING FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR PLUMBING FINISHES.
  - ALL FIRE PROTECTION FINISHES: UNLESS NOTED OTHERWISE, REFER TO THE ARCHITECTURAL SPECIFICATIONS FOR FIRE PROTECTION FINISHES.





## RESOLUTION NO. 5916-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-050-2018 AND CONDITIONAL USE PERMIT NO. CUP-128-2018, FOR A PROPERTY LOCATED ON THE SOUTHWEST CORNER OF HARBOR BOULEVARD AND WOODBURY ROAD, AT 13731 HARBOR BOULEVARD, ASSESSOR PARCEL NO. 100-130-32.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 5, 2018, does hereby approve Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018, for a parcel of land located on the southwest corner of Harbor Boulevard and Woodbury Road, at 13731 Harbor Boulevard, Assessor Parcel No. 100-130-32.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jared Hardin for Garden Grove Kia.

The applicant is requesting approval of a Site Plan to demolish an existing 2,747 square foot accessory building on a 101,407 square foot lot improved with an actual useable building area of 21,708 square feet, which is composed of a two-story auto sales and repair facility, to construct an approximately 5,485 square foot addition to the existing auto sales and repair building along with site improvements that include: revisions to the parking and landscaping area, adding new perimeter lighting; service office and canopy addition, interior offices, and auto display areas. The Applicant is also requesting approval of a new Conditional Use Permit for an auto sales, service, parts, and inventory facility on two floors under a roof structure of approximately 30,193 square feet. An auto sale and repair business currently operates on the Site pursuant to Conditional Use Permit No. CUP-550-01. Upon approval of the proposed new Conditional Use Permit, Conditional use Permit No. CUP-550-01 would be deemed void and of no further force and effect.

2. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Regs., Section 15301).
3. The subject site has a General Plan Land Use designation of Heavy Commercial (HC), and is zoned C-3 (Heavy Commercial).
4. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject site have been reviewed.

5. Report submitted by City staff was reviewed.
6. Pursuant to a legal notice, a public hearing was held on April 5, 2018, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter during its meeting of April 5, 2018, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 are as follows:

FACTS:

The subject site is an approximately 101,407 square foot lot located on the southwest corner of Harbor Boulevard and Woodbury Road at 13731 Harbor Boulevard. The site is improved with an existing approximately 39,193 square foot roof structure with an actual useable building area of 21,708 square feet, which is composed of a two-story auto sales and repair facility of recreational vehicles. On the northwest corner, there is a 2,747 square foot accessory building. There are three (3) access points onto the site, one (1) on the east side along Harbor Boulevard, and two (2) entrances to the north, along Woodbury Road, leading to the adjacent customer parking area and to the auto and recreational vehicle parking area located on the west rear side of the property.

The subject site has a General Plan Land Use Designation of Heavy Commercial (HC) and is zoned C-3 (Heavy Commercial). The property abuts C-3 (Heavy Commercial) zoned properties to the south, north across Woodbury Road, East across Harbor Boulevard, and M-1 (Limited Industrial) north, across Woodbury Road, and the west. The subject site is adjacent to an existing auto sales facility.

As of 1997, the site was used to repair and paint recreational vehicles. On June 7, 2001, Conditional Use Permit No. CUP-550-01 was approved and allowed for the sale of motor vehicles along with the repair and paint of recreational vehicles use.

The applicant is requesting approval of a Site Plan to demolish an existing 2,747 square foot accessory building on the improved lot and proposes to construct an approximately 5,485 square foot addition to the existing 21,708 square foot, two-story auto sales and repair facility, along with site improvements that include: revisions to the parking and landscaping area, adding new perimeter lighting; service office and canopy addition, interior offices, and auto display areas. The applicant is also requesting approval of a new Conditional Use Permit for an auto sales, service, parts, and inventory facility within a total 30,193 square foot structure on the 101,407 square foot lot.

## SITE PLAN

### Site Design and Circulation

The subject site layout is designed with three (3) access points: The first driveway located along Harbor Boulevard is ingress only and leads directly to the customer parking area. The second and third driveways located along Woodbury Road are both ingress and egress points that lead directly to the adjacent customer parking area and the service drop-off and pick-up area, the service bays, employee parking, and to the auto inventory parking area located on the west rear side of the property. The delivery of vehicles will be via a typical sixty-five foot (65'-0") long car carrier that will access the site via the second, most westerly driveway from Harbor Boulevard off Woodbury Road. The car carrier will turn onto and unload the vehicles on-site and will exit the site via the same driveway. The sales and service customers, and employees will access the site via any of the driveways. Perimeter improvements include a new, efficient lighting system to illuminate the site and compliment the architecture.

The site is improved with an existing approximately 21,708 square foot, two-story building located on the center portion of the property. The building improvements include adding 5,485 square foot to the existing auto sales and repair building on two floors. The proposal includes the demolition of the 2,747 square foot accessory building located along Woodbury Road, on the northwest corner.

### Floor Plan

Under the expanded roofed structure, the applicant proposes on first floor, exterior and interior auto display areas; multiple offices; a consultation space; a lounge; a storage room; a car wash area; a mechanical room; a 15-bay service area; a service area drop-off and pick-up situated under a new canopy, and an auto staging area. On the second floor, there will be a storage area, multiple offices, and a conference room.

### Building Design

The proposed elevations will consist of a cement, smooth trowel finish with precise vertical and horizontal joint lines, along with decorative covered columns, and a door and window storefront system that will create large uninterrupted window openings. The building colors will consist of neutral colors and tones, such as grey, silver, and white along with tactical use of red, present in the Kia brand. The architecture and design of the building aligns itself as contemporary architecture, sleek, streamlined, and modern.

### Parking

Title 9 of the City's Municipal Code parks auto and boat sales, leasing uses at a rate of one (1) parking space per 400 square feet of gross floor area of inside display, plus one (1) space per 2,000 square feet of outside display, plus one (1) space per 500 square feet of gross floor area of repair, plus one (1) space per 300 square feet

of gross floor area of parts storage and sales area. Therefore, based on the applicant's proposed spaces and square footage, code requires, a minimum of ninety-three (93) parking spaces for the proposed project. The proposed site design provided a total of one hundred twelve (112) parking spaces on-site, satisfying the parking requirement.

#### Landscape

Title 9 of the City's Municipal Code requires for this type of development that all setbacks be landscaped as well as ten percent (10%) of all net developable site area for parking areas. The proposed project is providing 4,400 square feet of landscaping, the net ten percent requirement is 2,346 square feet, thus meeting the minimum requirement.

#### FINDINGS AND REASONS:

All findings for approval of the proposed Site Plan required under Section 9.32.030.D.3 (Site Plan) of the Garden Grove Municipal Code can be made.

#### SITE PLAN:

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

The subject site has a General Plan Land Use designation of Heavy Commercial (HC), and is zoned C-3 (Heavy Commercial). The Heavy Commercial Use is intended to provide for a variety of more intensive commercial uses. The applicant is proposing to conduct auto sales, service, parts, and inventory within the existing and expanded facility, and the zoning permits motor vehicle sales use subject to a Conditional Use Permit. Policy LU-6.1 of the General Plan Use Element provides direction to monitor the uses and developments proposed in the City's commercial corridors to determine the viability of existing and proposed development. Policy LU-IMP-6C encourages façade renovation, enhanced parking area landscaping, and improved lighting. The existing facility, the addition, site design, parking lot layout, number of on-site parking spaces, landscape areas and the proposed use are consistent with the spirit and intent of the requirements of the Municipal Code and will serve the City's needs. Therefore, the proposed project will improve the site and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing commercial corridor and enables an existing Garden Grove business to remain in the City.

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



The proposed building addition to the existing main building, the service office, and canopy, do not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and adequate pedestrian access. The proposed on-site and off-site improvements that will be performed will adequately accommodate the proposed project. The project is designed with two (2) pedestrian access points, one located off of Harbor Boulevard and one off of Woodbury Road. The project provides three (3) vehicle access points, one located off Harbor Boulevard, two (2) off Woodbury Road. Additionally, the City's Traffic Engineering Division has requested that all three ingress and egress driveways be a minimum width of 30'-0" wide.

The project has been designed to meet the parking requirements of the Municipal Code, and will provide a total of 112 parking spaces. Eight (8) of those parking spaces will be electrical vehicle spaces, and five (5) will be accessible parking spaces, consisting of two (2) van accessible spaces and three (3) standard accessible spaces.

Adequate trash enclosures/bins will be provided. As such, the proposed development will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and points of vehicular and pedestrian access.

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

The City's Fire Department has reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets.

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

The streets in the area will be adequate to accommodate the proposed development once the developer provides the necessary improvements for the project. Street improvements include two (2) pedestrian access points, one located off of Harbor Boulevard and one off of Woodbury Road, three (3) vehicle access points, one located off of Harbor Boulevard, two (2) off of Woodbury Road. Additionally, all three (3) driveways will be a minimum width of 30'-0". The proposed development will also provide landscaping and proper grading of the project site to improve adequate on-site drainage. Utilities and drainage channels in the area are existing and adequate to accommodate the development.

The City's Public Works Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to minimize any adverse impacts to surrounding streets and alleys, utilities and drainage channels.

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

The proposed project requires various on- and off-site improvements, including requiring all driveways to be a minimum width of 30'-0", a new main water line, and grading improvements.

The Public Work's Department has reviewed the Project and has incorporated conditions of approval that will minimize any adverse impacts.

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

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive environment that will be an enhancement to the commercial corridor and is compatible with the physical, functional, and visual quality of the commercial corridor uses and desirable commercial corridor characteristics. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

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

The project has been designed with consideration to the building's appearance, building placement, form, function, landscaping, as well as other amenities to achieve an attractive environment. The proposed project will revitalize the existing commercial building into a modern auto use that will be both modern and productive. The project may by the catalyst to inspire adjacent business or property owners to enhance the commercial corridor.

The proposed elevations will consist of a cement, smooth trowel finish with precise vertical and horizontal joint lines, along with decorative covered columns, and a door and window storefront system that will create large uninterrupted window openings. Overall, the architecture and design of the building aligns itself as contemporary architecture, sleek, streamlined, and modern.

CONDITIONAL USE PERMIT:

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

The subject site has a General Plan Land Use Designation of Heavy Commercial (HC) and is zoned C-3 (Heavy Commercial). The Heavy Commercial land use designation is intended to provide for a variety of more intensive commercial uses. The applicant is proposing to conduct auto sales, service, parts, and inventory within the existing and expanded facility, and the zoning permits motor vehicle sales use subject to a Conditional Use Permit. Policy LU-IMP-6C encourages façade renovation, enhanced parking area landscaping, and improved lighting. In conjunction with the Conditional Use Permit request, the Applicant is proposing to improve the site in a manner consistent with this policy. The proposed development will create an environment and a use that is consistent with the goals of the General Plan.

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

The subject property abuts C-3 (Heavy Commercial) zoned properties to the south, north across Woodbury Road, East across Harbor Boulevard, and M-1 (Limited Industrial) north, across Woodbury Road, and the west. The subject site is adjacent to an existing auto sales facility. Therefore, the proposed expansion of the existing building and the operation of auto sales, service, parts, and inventory facility use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, nor will the use unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The C-3 zone allows for the operation of auto sales, service, parts, and inventory facility use and would be compatible to the previous recreation vehicles sales and repair business operation. Hours of operation shall be permitted only between the hours of 7:00 a.m. to 11:00 p.m., seven (7) days a week. The propose auto sales, service, parts, and inventory facility use is consistent with the goals of the General Plan. All appropriate conditions of approval for similar types of uses have been incorporated to minimize potential impacts to the adjacent properties.

The City's Departments have reviewed the plans, and all appropriate conditions of approval have been incorporated. The conditions of approval will ensure the public health, safety, and welfare. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

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

The subject site is a single parcel, approximately 101,407 square foot lot. The proposed project will include the existing 21,708 square foot building and the proposed addition to create the new auto sales, service, parts, and inventory facility. On-site and off-site improvements will be performed to accommodate the proposed project, including installing one (1) new drive approach, sidewalk panel, path of travel access, and perimeter lighting along the street frontage on Harbor Boulevard, and two (2) new drive approaches, curb and gutter, sidewalk, pavement replacement, water meter, two (2) tree replacements, path of travel access, and perimeter lighting along the street frontage on Woodbury Road. Additionally, the landscaping throughout the project will be enhanced.

The project has been designed to exceed the parking requirements of the Municipal Code, City code requires 93 parking spaces for the proposed project. A total of 112 parking spaces have been provided, eight (8) of those being electrical vehicle parking spaces, and five (5) accessible parking spaces, consisting of two (2) van accessible spaces and three (3) standard accessible parking spaces.

Lastly, adequate trash enclosures/bins will be provided. As such, the proposed development is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features.

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

The site is adequately served by existing public streets with one (1) ingress only driveway off of Harbor Boulevard, and two (2) off of Woodbury Road, both allowing ingress and egress. Additionally, the project will provide a pedestrian path-of-travel to and from the site along Harbor Boulevard and

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

The proposal has been reviewed by City Departments responsible for traffic, water services, environmental services, and safety. These Departments have determined that the site will be adequately served by existing infrastructure, circulation, and other facilities to allow its operation.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan (SP-050-2018) and Conditional Use Permit (CUP-128-2018) possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A," shall apply to Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018.
3. Conditional Use Permit No. CUP-550-01, and any other Conditional Use Permit previously governing this subject tenant space, shall be null and void, and is superseded in its entirety by Conditional Use Permit No. CUP-128-2018.

## **EXHIBIT "A"**

### **Site Plan No. SP-050-2018 & Conditional Use Permit No. CUP-128-2018**

13731 Harbor Boulevard

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within thirty (30) days of approval. This Conditional Use Permit runs with the land and is binding upon the Property Owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "Applicant" shall mean and refer to the project applicant, Jared Hardin, the current Owner(s) of the property, the future owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The Applicant, Owner(s) of the property, and subsequent property Owner(s) and operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 39,193 square foot Auto Sales, Service, Parts, and Inventory Facility business as identified on the site plan and floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

### **Fire Department**

6. The Applicant shall comply with all requirements of the Fire Department for all life safety issues. This includes, but is not limited to, ensuring that proper exiting is provided and maintained at all times.
7. The Applicant shall provide occupancy breakdown per room, which will determine exiting requirements pursuant to the current California Fire Code Standards.
8. The Applicant shall provide emergency lighting throughout the building pursuant to the current California Fire Code Standards.
9. Vertical access to upper level shall meet Garden Grove Fire Department gurney specifications.
10. Fire sprinklers, where required, shall be provided pursuant to the current California Fire Code Standards.
11. Fire hydrants, where required, shall be provided.
12. Fire alarm shall be provided pursuant to the current California Fire Code Standards.

### **Police Department**

13. Hours of operation shall be permitted only between the hours of 7:00 a.m. to 11:00 p.m., seven (7) days a week. The City reserves the right to reduce the hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
14. There shall be no uses or activities permitted of an adult-oriented nature as outlined in the City Code, Section 9.04.060.
15. The Applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.

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16. In the event of security problems occur, the Police Department may require additional security measures including security patrols and/or security lighting. Any installed lighting on the site shall be directed, positioned, or shielded in such a manner so as to not unreasonably illuminate nearby properties.
17. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to Chapter 1.22 of the Garden Grove Municipal Code, in addition to other penalties provided by law.

**Public Works Engineering Division**

18. The applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
19. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
20. Grading/street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30'-0" outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications.



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21. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
22. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
23. A separate street permit is required for work performed within the public right-of-way. The City of Garden Grove completed a street rehabilitation project on Harbor Boulevard in 2018. Any utility trench backfilling fronting the project on Harbor Boulevard is subject to 15'-0" of asphalt resurfacing (up to 2-inches of asphalt grind and cap) from the center line of proposed utility (water, gas, sewer, communication cables) in both directions and may extend the full width of the street as determined by the City Engineer.
24. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
25. The three (3) drive approaches to the site shall be modified in accordance with the City of Garden Grove Standard B-120.
26. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, if any, shall have wheel stops.
27. No parallel curb parking shall be permitted anywhere on the site.
28. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the precise grading plans.
29. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
30. 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:

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- a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
  - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
  - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP;
  - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;
  - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs; and
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
31. 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; and
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
32. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and state mandated commercial organic recycling law-AB 1826:

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- a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
  - b. Provide solid roof or awning to prevent direct precipitation;
  - c. Connection of trash area drains to the municipal storm drain system is prohibited;
  - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
  - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information;
  - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures; and
  - g. Pursuant to state mandated commercial organic recycling law-AB 1826, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
33. The Applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal, relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
34. 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

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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.

35. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
  - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
36. The Applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
37. Prior to issuance of a grading permit, the Applicant submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
38. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.
39. Any required lane closures should occur outside of peak travel periods.
40. Construction vehicles should be parked off traveled roadways in a designated parking.
41. Prior to issuance of a grading permit, the Applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.

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42. Prior to issuance of a building permit, the Applicant shall design and construct street frontage improvements as identified below:

Harbor Boulevard

- a. Remove and replace the existing substandard driveway approach to the site in accordance with the City of Garden Grove Standard Plan B-120. Standard Plan B-120 calls for a minimum width of 30'-0" for commercial and multi residential projects, with any deviation from the standard requiring approval by the City Traffic Engineer and detailed on the street improvement plan showing all modifications;
- b. Remove the northerly landscape planter box and replace it with sidewalk panel in accordance with the City of Garden Grove Standard B-106;
- c. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Harbor Boulevard with Planning Services Division and Water Services Division; and
- d. Any proposed new landscaping in public right-of-way shall be approved by Planning Services Division and maintained by the Applicant.

Woodbury Road

- a. The existing substandard driveway approaches and landscape fronting the property along Woodbury Road shall be removed and curb & gutter, sidewalk and two (2) new driveway approaches shall be constructed in accordance with the City of Garden Grove Standard;
- b. New 6-inch curb and gutter shall be constructed replacing the existing driveway at 20'-0" from the center line of Woodbury Road in accordance with the City of Garden Grove Standard Plan B-114 (Type D-6);
- c. Construct 6-inch curb and gutter along the property frontage on Woodbury Road at 20'-0" from centerline in accordance with the City of Garden Grove Standard Plan B-114 (Type D-6);
- d. Construct a 10'-0" sidewalk adjacent to the new 6-inch curb and gutter along property frontage in accordance with the City of Garden Grove Standard B-106;

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- e. Construct two (2) new driveway approaches to the site in accordance with the City of Garden Grove Standard B-120. Standard Plan B-120 calls for a minimum width of 30'-0" for commercial and multi-residential projects, with any deviation from the standard requiring approval by the City Traffic Engineer and detailed on the street improvement plan showing all modifications. The proposed deviation of 42'-0" is acceptable by City Traffic Engineer for the westerly drive approach;
- f. Remove and replace the pavement of the street from the edge of the northerly gutter to the edge of new southerly gutter along the property frontage on Woodbury Road in accordance with the City of Garden Grove Standard B-104 and the direction of the of City Engineer;
- g. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk area on Woodbury Road with Planning Services Division and Water Services Division; and
- h. Any proposed new landscaping in public right-of-way shall be approved by Planning Services Division and maintained by the Applicant.

**Public Works Water Services Division**

- 43. New water meter and service, if needed, shall be located within the City right-of-way. Fire services and large water services 3" and larger shall be installed by contractor with class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
- 44. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Applicant 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. Applicant must open a water account upon installation of RPPD device.
- 45. New utilities shall have a minimum five-feet (5'-0") horizontal and a minimum one-foot (1'-0") vertical clearance from water main and appurtenances.

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46. There shall be a minimum clearance from sewer main and water main of ten-feet (10'-0") from outside of pipe to outside of pipe.
47. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
48. 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.
49. Fire service, if required, shall have above ground backflow device with a double check detector assembly per City Standard B-773, dated December 2015. 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 Services Division. The new fire service, if needed, shall come off the 12" water main on Harbor Blvd. A new fire hydrant, if required, shall also come off of the 12" water main on Harbor Boulevard.
50. Location and number of fire hydrants shall be as required by Public Works, Water Services Division and the Fire Department.

**Public Works Environmental Services Division**

51. The new wash area shall not discharge into the public right-of-way.
52. The Applicant shall remove the two (2) existing City trees located on Woodbury Road and replace with two new trees subject to the approval of the Public Works, Trees Services Division.
53. The Applicant shall remove and replace the existing asphalt sidewalk and construct a new sidewalk in accordance with the City of Garden Grove Standard B-106.

**Building and Safety Division**

54. Curb ramps shall be provided at all exterior path-of-travels.
55. Truncated domes shall not be located within required door landings and parking access aisles on plans submitted for building permits.

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56. An accessible route shall be provided to the proposed trash enclosure.
57. The Applicant shall provide electric vehicle charging stations pursuant to Section 5.1065.3 of the California Building Green Code.
58. All restrooms shall comply with 11B-213 and Division 6 of the California Building Code.
59. Drinking fountain is required per California Plumbing Code and shall comply with 11B-211.
60. Plans submitted for building permits shall show clear floor space in front of fixtures in employee break rooms and lounges.
61. Offices serving customers for service and consulting shall be provided with wheelchair space, knee/toe clearance, counter/table reach height.
62. Storage of chemicals shall comply with California Building Code Section 414.
63. Exit signs shall comply with Sections 1013 and 11B Division 7.

**Community and Economic Development Department**

64. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Services Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require approval of a new or amended Conditional Use Permit.
65. This approval shall allow the operation of an Auto Sales, Service, Parts, and Inventory business only. There shall be no additional uses, activities, or changes in operation, or expansion of the use without first obtaining approval by the City through the appropriate process.
66. Based on the Applicant's representation, the auto sales, service, parts, and inventory will require up to a total of ninety-three (93) on-site parking spaces, which shall be available on the property for the operation of the proposed use. The parking spaces shall be available at all times for employee(s) and client parking.
67. In the event the site cannot accommodate the parking demand for the proposed auto sales, service, parts, and inventory business, at any given time, and operation of the uses results in a demonstrable nuisance,



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hindrance, and/or problem with either on-site and/or off-site parking and circulation, as determined in the reasonable discretion of the Community and Economic Development Director, the Applicant and Property Owner shall devise and implement a plan approved by the City to relieve the situation. Upon request of the City, the Applicant and Property Owner shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation and/or other alternatives that may be deemed applicable to the situation. If the City deems such action is necessary to address parking and circulation problems, such action shall be required within thirty (30) days of written notice. Failure to take appropriate action may result in the City restricting the overall use of the facility or revoking Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018.

68. There shall be no business storage permitted outside of the building. All business related equipment, material, supplies, and/or machinery shall be kept inside the building except for loading or unloading purposes.
69. The Applicant shall post a prominent and permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the auto business. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance of the establishment, and shall also be visible to the public.
70. All driveway entrances shall be clearly marked to avoid traffic conflicts. On-site circulation shall remain unimpeded at all times, including during the loading and unloading of vehicles.
71. Deliveries may occur during all hours of the day 7:00 a.m. to 10:00 p.m., seven days a week. Delivery trucks shall be shut off and shall not remain idle during deliveries. However, in the event problems arise where the delivery hours need to be reduced or restricted in order to minimize noise issues, the operator shall modify the delivery hours as prescribed by the City.
72. All loading and unloading of vehicles shall occur on-site.
73. There shall be no outdoor amplification or outdoor loud speaker system used at any time.

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74. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
75. All service of vehicles shall occur within a wholly enclosed building, and there shall be no auto servicing or other activities outside of the wholly enclosed building, roof structure cover open area, or in any of the parking areas.
76. Proper light and ventilation shall be provided within the service building.
77. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
78. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be based on the existing schedule provided by the commercial center.
79. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
80. The subject site shall be well maintained and orderly. There shall be no accumulation of debris, auto parts, or inoperable vehicles stored on-site. There shall be no long-term storage of inoperable vehicles or equipment in the parking areas.
81. No razor wire or concertina wire shall be used on any of the subject site perimeter walls or fences.
82. All materials, including oil and solvents shall be properly stored and disposed of per the U.F.C. and C.B.C.
83. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.

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84. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
85. All signs shall comply with the City's sign requirements set forth in Title 9 of the Municipal Code., Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort.
86. The Applicant shall ensure that appropriate building permits are obtained for any art installation or other similar structures that require a building permit.
87. 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 7:00 a.m. and not after 8:00 p.m. (of the same day).
  - b. Sunday and Federal Holidays may work the same hours, but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
88. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.
89. During construction, if paleontological or archeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.
90. The proposed trash enclosure shall be designed to comply with the City's B-502 trash enclosure standard, or with an alternative design approved by the Public Works Engineering Division, which includes that installation of corrugated metal gates. The applicant shall contract with the City's approved trash disposal company for solid waste processing.
91. The trash enclosure shall match the color and exterior finish of the adjoining building (s). The proposed roof design of the trash enclosure shall also be architecturally compatible with the design of the adjoining building (s). The

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Planning Services Division shall review and approve the design of the proposed roof and the material(s). The proposed roof and materials shall also comply with the building code requirements.

92. The trash bins shall be kept inside the trash enclosures, and gates closed at all times, except during disposal and pick-up. All trash bins shall be promptly placed back within the trash enclosure after pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site. If noise or other complaints are received by the City due to the location of the trash enclosure and bin pick-up route, the applicant shall resolve the issue to the satisfaction of the Community and Economic Development Director.
93. The Applicant shall comply with the adopted City Noise Ordinance.
94. As a part of the finalized working drawings for Planning Services Division, Engineering Division and Building and Safety Plan Check, the Contractor or Applicant shall submit a detailed and dimensioned plot plan, floor plans, exterior elevations, and landscape plans that reflect the conditions of approval herein. The plans shall indicate landscape materials, wall materials and building materials proposed for the project.
95. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or ground lighting system. Any new lighting that is provided within the revised parking lot area shall maintain a minimum of two foot-candles of light on the parking areas during business hours. 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.
96. The Applicant shall submit a light plan (photometric plan) to Planning Services for review and approval. The lighting shall be provided throughout the parking area at a minimum of two-foot candle of light during the hours of darkness when the businesses are open, and an one-foot candle of light during all other hours of darkness.
97. The Applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division, for review and approval prior to submittal of plans for Building and Safety Division, Plan Check. The project shall also be subject to the following:

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- a. All above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community and Economic Development Department, Planning Services Division, and
  - b. No roof or wall mounted mechanical equipment shall be permitted unless the Planning Services Division approves a method of screening complementary to the architecture of the building, prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, including the surrounding properties.
98. The Applicant shall submit a complete landscape plan governing the entire development for review and approval by the Community and Economic Development Department prior to building permit issuance. The landscaping plan shall be in substantial conformance with the proposed landscaping shown on the submitted site plan for this project. Said plan shall include type, size, location and quality of all plant material. The plan shall include an irrigation plan, and staking and planting specification. The landscape plan is subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation/drip/micro-spray/etc. sprinkler heads for water conservation;
  - b. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided around each of these equipment/apparatus;
  - c. The applicant shall be responsible for the installation and maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to within the public right-of-way;
  - d. All proposed trees shall be non-fruit bearing, evergreen trees that require minimal maintenance; and
  - e. No trees shall be planted closer than five-feet (5'-0") from the public right-of-way. Trees planted within fifteen-feet (15'-0") of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages, adjacent to driveways, shall be of the low-height variety to ensure safe sight clearance.

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- f. All landscape areas, including the areas located within the public right-of-way, are the responsibility of the Applicant.
  - g. The Applicant shall maintain all landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
  - h. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
99. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property, unless properly screened.
  100. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the Applicant and all agents thereof.
  101. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
  102. The Applicant shall work with planning staff to ensure that the proposed building colors are appropriate, and not overly bright. The Applicant shall submit the actual chip samples of the proposed paint colors to the Planning Services Division for review and approval.
  103. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Building and Safety Division. These conditions must be printed on the site plan or a subsequent reference page.
  104. A copy of the Resolution No. 5916-18 approving Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018 shall be kept on the licensed premises at all times and be made available upon request by City Staff and/or Police Department.
  105. The Applicant shall submit a signed letter acknowledging receipt of the resolution approving Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018, and his/her/its agreement with all conditions of the approval.

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106. The Applicant is advised that this Conditional Use Permit may be reviewed one (1) year from the date of this approval, and at least every three (3) years thereafter in order to determine if the business is operating in compliance.
107. In addition, this Conditional Use Permit may be called for review before the City staff, the City Council, or Planning Commission at any time, if noise or other types complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
108. It shall be the applicant's responsibility to verify that any building or site improvements do not cross over, encroach into, or cause issue with any recorded easements on the subject property or the adjacent properties.
109. The Applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018. 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 defend the City with legal counsel mutually selected by the Applicant and the office of the City Attorney and 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.
110. Upon approval and implementation of the proposed entitlements, SP-050-2018 and CUP-128-2018 shall constitute the governing provisions on the subject site and prior entitlements shall become null and void.
111. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Site Plan No. SP-050-2018 and Conditional Use Permit No. CUP-128-2018 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of

Exhibit "A"

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the appeal period and thereafter diligently advanced until completion of the project.



**City of Garden Grove  
INTER-DEPARTMENT MEMORANDUM**

**To:** Planning Commission

**From:** Lisa L. Kim

**Dept:**

**Dept:** Community & Economic  
Development

**Subject:** REVIEW OF CODE OF ETHICS

**Date:** April 5, 2018

Chapter 2.02 of the Municipal Code comprises the City's Code of Ethics. Pursuant to that Chapter, the Planning Commission has a duty to review the Code of Ethics annually during their first meeting in the month of April; however, if the first meeting is cancelled, the review shall be re-scheduled to the next regular meeting.

Accordingly, the Code of Ethics is scheduled for your formal review at the Commission meeting of April 5, 2018. There is no resolution required; rather, your action will be documented in the minutes of the meeting.



LISA L. KIM  
Community and Economic Development Director

Attachment: Municipal Code Chapter 2.02

## **Chapter 2.02 CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES**

### **2.02.005 Code Review**

All official boards, commissions, and committees of the City are to formally review the following Code of Ethics provided in this chapter with their members annually during their first meeting in the month of April. New members are to be provided a copy of the Code of Ethics for their review when they are appointed or elected to each board, commission, or committee. (2813 § 1, 2012; 1437 § 1, 1975)

### **2.02.010 Declaration of Policy**

The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; and that public office not be used for personal gain. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.020 Responsibilities of Public Office**

Public officials are all elective officials of the City and the members of all official boards, commissions, and committees of the City. Public officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out the laws of the nation, state, and municipality. Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their offices, regardless of personal considerations; recognizing that the public interest must be their primary concern, and that conduct in both their official and private affairs should be above reproach. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.030 Dedicated Service**

Public officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or the officially recognized confidentiality of their work. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.040 Fair and Equal Treatment**

Preferential consideration of the request or petition of any individual citizen or group of citizens shall not be given. No person shall receive special advantages beyond that which are available to any other citizen. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.050 Use of Public Property**

No public official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such public official or employee in the conduct of official business. No public official or employee shall use the time of any City employee during working hours for personal convenience or profit. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.060 Obligations to Citizens**

A. CONFLICT WITH PROPER DISCHARGE OF DUTIES. No public official or employee, while serving as such, shall have any interest, financial or otherwise, direct or indirect, or engage in any

business or transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by law.

B. **INCOMPATIBLE EMPLOYMENT.** No public official or employee shall accept other employment that he or she has reason to believe will either impair his or her independence of judgment as to his or her official duties or require him or her or induce him or her to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

C. **DISCLOSURE OF CONFIDENTIAL INFORMATION.** No public official or employee shall willfully and knowingly disclose for pecuniary gain to any other person confidential information acquired by him or her in the course of and by reason of his or her official duties nor shall any public official or employee use any such information for the purpose of pecuniary gain.

D. **CONFLICT OF INTEREST.** A conflict of interest exists in a matter before a public official for consideration or determination if:

1. The public official has a substantial financial or substantial personal interest in the outcome or as owner, member, partner, officer, employee, or stockholder of any corporation or other professional enterprise that will be affected by the outcome, and such interest is or may be adverse to the public interest in the proper performance of governmental duties by the public official;

2. The public official has reason to believe or expect that he or she will derive direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity;

3. The public official, because of bias, prejudice, or because he or she has prejudged a matter set for public hearing, is incapable because of such bias, prejudice or prejudgment of granting to the matter before him or her a fair and impartial hearing.

4. Personal interest as distinguished from financial interest is defined as including, among other matters, an interest arising from blood or marriage relationships, or close business association. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.070 Disclosure of Interest and Disqualification**

A. Any Councilmember who has a conflict of interest as defined herein, in any matter before the City Council, shall disclose such fact on the record of the City Council and refrain from participating in any discussion of voting thereon, provided that such exceptions shall be observed as are required by law.

B. Any member of any official board, commission, or committee who has a conflict of interest as defined herein in any matter before the board, commission, or committee of which he or she is a member, shall disclose such fact on the record of such board, commission, or committee and refrain from participating in any discussion or voting thereon, provided that such exceptions shall be observed as are required by law.

C. Any employee who has a financial or other special interest in a matter before the City Council or any board, commission, or committee and who participates in discussion with, or gives an official opinion to the City Council, or to such board, commission, or committee relating to such matter, shall disclose on the record of the City Council or such board, commission, or committee, as the case may be, the nature and extent of such interest. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.080 Compliance with State Law**

Public officials and employees of the City shall comply with applicable provisions of state law relative to conflicts of interest and generally regulating the conduct of public officials and employees. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.090 Violations—Actions**

The violation of any provision of this chapter shall be:

- A. As to all City employees, grounds for dismissal from City employment;
- B. As to any appointed position on any board, commission, or committee, grounds for removal from any such board, commission, or committee;
- C. As to any prosecution of any elected public official, the City Council shall make findings of fact by at least a vote of three City Councilmembers that an elected public official has, in fact, violated this chapter as a prerequisite to prosecution. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.100 State Laws—Control**

This chapter and its application are intended to be supplemental to and consistent with all applicable state laws. (2813 § 1, 2012; 1301 § 1, 1972)

### **2.02.110 Violations—Penalty**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable as provided in Section 1.04.010 of this Code. (2813 § 1, 2012; 1301 § 1, 1972)