



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

SEPTEMBER 7, 2017

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

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

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

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: August 3, 2017
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
  - C.1. SITE PLAN NO. SP-039-2017  
TENTATIVE PARCEL MAP NO. PM-2003-2017

APPLICANT: ANNA HA

LOCATION: EAST SIDE OF MAGNOLIA STREET, NORTH OF  
LAMPSON AVENUE AT 12412 MAGNOLIA STREET

REQUEST: Site Plan and Tentative Parcel Map approval to subdivide a 24,787 square foot lot, currently developed with a single-family home, into two (2) parcels, 14,070 square feet and 10,717 square feet, to allow the construction of a new single-family home and accessory dwelling unit on the 10,717 square foot lot, with the existing house to remain on the 14,070 square foot lot. The site is in the R-1 (Single-Family Residential) zone. The project is exempt pursuant to CEQA Section Nos. 15303 – New Construction or Conversion of Small Structures and 15315 – Minor Land Divisions.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, subject to the recommended conditions of approval.

C.2. SITE PLAN NO. SP-040-2017

APPLICANT: VINNIE TRAN

LOCATION: SOUTHWEST CORNER OF WESTMINSTER AVENUE  
AND BROOKHURST STREET AT 9972  
WESTMINSTER AVENUE

REQUEST: Site Plan approval to construct a new 8,235 square foot two-story, medical office building on a vacant 20,778 square foot lot, along with associated improvements, which include a parking lot and landscaping. The site is in the C-1 (Neighborhood Commercial) zone. The project is exempt pursuant to CEQA Section No. 15303(c) – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-040-2017, subject to the recommended conditions of approval.

C.3. CONDITIONAL USE PERMIT NO. CUP-107-2017

APPLICANT: CALIFORNIA GRADUATE SCHOOL OF THEOLOGY

LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD,  
EAST OF EUCLID STREET AT 11277 GARDEN  
GROVE BOULEVARD

REQUEST: Conditional Use Permit approval to operate an existing approximately 9,943 square foot tenant space for an adult educational institution for 58 students and 17 employees/instructors. The site is in the CC-3 (Civic Center Core) zone. The project is exempt pursuant to CEQA Section No. 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-107-2017, subject to the recommended conditions of approval.

C.4. CONDITIONAL USE PERMIT NO. CUP-108-2017

APPLICANT: CHANH NGUYEN

LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD,  
EAST OF EUCLID STREET AT 11277 GARDEN  
GROVE BOULEVARD, SUITE 200

REQUEST: Conditional Use Permit approval to operate an existing approximately 2,293 square foot tenant space for an adult education institution for 21 students and 12 employees/instructors. The site is in the CC-3 (Civic Center Core) zone. The project is exempt pursuant to CEQA Section No. 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-108-2017, subject to the recommended conditions of approval.

D. MATTERS FROM COMMISSIONERS

E. MATTERS FROM STAFF

F. ADJOURNMENT

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

Special Meeting Minutes  
Thursday, August 3, 2017

CALL TO ORDER: 6:04 p.m.

ROLL CALL:

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

Absent: Brietigam, Kanzler

Vice Chair Brietigam joined the meeting at 6:27 p.m. and Chair Kanzler joined the meeting at 6:54 p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Lehman.

ORAL COMMUNICATIONS – PUBLIC – None.

July 6, 2017 MINUTES:

Action: Received and filed.

Motion: Brietigam Second: Salazar

Ayes: (5) Brietigam, Kanzler, Lehman, Salazar, Truong

Noes: (0) None

Abstain (2) Lazenby, Nguyen

STUDY SESSION – COTTAGE INDUSTRIES UPDATE – Speakers Shaheen Sadeghi and Chris Bennett of LAB Holding provided a handout, and an update on plans and progress of Garden Grove's Cottage Industries project located in the City's downtown Civic Center area, east of City Hall. LAB Holding specializes in projects that promote localization and personalization by preserving local buildings for commercial use to create a unique community identity. After discussion of project details with Commissioners and City staff, LAB Holding informed the Commission that the restoration of several homes was currently underway, and further progress would be made on the project until a total of 12 homes were completely restored along with linked trail systems.

PUBLIC HEARING – SITE PLAN NO. SP-036-2017, VARIANCE NO. V-014-2017, TENTATIVE PARCEL MAP NO. PM-2002-2017. FOR PROPERTY LOCATED AT 12013 LORNA STREET, SOUTHWEST CORNER OF LORNA STREET AND CHAPMAN AVENUE.

Applicant: HUYEN NGUYEN & THUC LE  
Date: August 3, 2017

Request: To reinstate Site Plan and Tentative Parcel Map approvals to subdivide an 18,125 square foot lot into two (2) parcels. Lot 1, which is developed with an existing single-family dwelling, will have a lot size of 8,700 square feet. Lot 2, which will be developed with a new single-family dwelling, will have a lot size of 7,839 square feet. Also, a request to reinstate Variance approval to allow Lot 2 to deviate from the minimum 65'-0" lot width requirement for a corner lot. This project was originally approved in 2007 under SP-424-07, PM-2007-143, and V-162-07, however, the entitlements were never exercised and have since expired. The applicant is requesting to reinstate the original approvals to complete the project. The site is in the R-1 (Single-Family Residential) zone. The project is exempt pursuant to CEQA Section Nos. 15303 – New Construction or Conversion of Small Structures and 15315 – Minor Land Divisions.

Action: Public Hearing held. Speaker(s): Huyen Nguyen

Action: Resolution No. 5889-17 was approved.

Motion: Lehman Second: Lazenby

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

Noes: (0) None

PUBLIC HEARING – SITE PLAN NO. SP-037-2017, VARIANCE NO. V-015-2017, CONDITIONAL USE PERMIT NO. CUP-106-2017. FOR PROPERTY LOCATED AT 7051 GARDEN GROVE BOULEVARD, NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF KNOTT STREET.

Applicant: ROSA ESTELLA BERMEO  
Date: August 3, 2017

Request: Site Plan approval to construct a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, along with associated site and landscape improvements. Additionally, a request for Variance approval to deviate from the minimum rear setback requirement in order to construct a trash enclosure within the rear ten-foot setback along the northerly property line adjacent to the SR-22 Freeway. Finally, Conditional Use Permit approval to allow the new convenience store to operate with a

new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. The site is in the C-2 (Community Commercial) zone. The project is exempt pursuant to CEQA Section No. 15303 – New Construction or Conversion of Small Structures.

Action: Public Hearing held. Speaker(s): Mr. Ahmad Ghaderi

Action: Resolution No. 5890-17 was approved.

Motion: Brietigam Second: Lehman

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

Noes: (0) None

PUBLIC HEARING – STREET NAME CHANGE NO. SNC-002-2017. FOR PROPERTY LOCATED AT BUSINESS CENTER PARKWAY BETWEEN CORPORATE DRIVE AND EUCLID STREET.

Applicant: CITY OF GARDEN GROVE

Date: August 3, 2017

Request: A request from Emperor Quang Trung Statue Committee to rename Business Center Parkway to Nguyen Hue Avenue. The City of Garden Grove has determined that an environmental review is not applicable to the subject name change.

Action: Public Hearing held. Speaker(s): Phat Bui

Action: Resolution No. 5891-17 was approved with an amendment to change the street name to Emperor Quang Trung.

Motion: Brietigam Second: Lazenby

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

Noes: (0) None

MATTERS FROM COMMISSIONERS: Vice Chair Brietigam asked that Public Works look into maintenance of the northbound Tiffany Avenue street name sign located on the northwest corner of Valley View Street and Tiffany Avenue, as it was old and illegible. Vice Chair Brietigam also commented that the City of Garden Grove was an agency that did more with less and urged the City Council to increase the Police force to 200 sworn officers before the year 2020.

Chair Kanzler mentioned the possibility of designating the shopping center located at the southwest corner of Brookhurst Street and Katella Avenue as an Arabic cultural

hub to extend the cultural diversity of the City of Garden Grove. Staff will research requirements of such a designation and report back to the Planning Commission with its findings.

MATTERS FROM STAFF: Staff informed the Commission that the August 17<sup>th</sup> meeting would be cancelled and noted that there would be two items for the September 7<sup>th</sup> meeting.

ADJOURNMENT: At 8:03 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, September 7, 2017, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion: Lazenby Second: Truong

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

Noes: (0) None

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Lizabeth Vasquez  
Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> East side of Magnolia Street, north of Lampson Avenue, at 12412 Magnolia Street
<b>HEARING DATE:</b> September 7, 2017	<b>GENERAL PLAN:</b> Low Density Residential
<b>CASE NO.:</b> Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017	<b>ZONE:</b> R-1 (Single-Family Residential)
	<b>APN:</b> 133-183-38
<b>APPLICANT AND PROPERTY OWNER:</b> Anna Ha	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide an existing 24,787 square foot lot. Lot 1, which is currently developed with an existing single-family dwelling, will have a lot size of 14,070 square feet. Lot 2, which will be developed with a new single-family dwelling, will have a lot size of 10,717 square feet. Additionally, the applicant is proposing an accessory dwelling unit with an attached one-car garage on Lot 2.

## **PROJECT STATISTICS:**

	<b>Provided</b>	<b>Code Requirement</b>
<b>Net Lot Size</b>		
Lot 1	14,070 S.F.	
Lot 2	10,717 S.F.	7,200 S.F. Minimum
<b>Lot Width</b>		
Lot 1	80'-0"	60'-0" Minimum
Lot 2	60'-3"	60'-0" Minimum
<b>Building Coverage for Lot 2*</b>		
Lot 2	3,509 S.F. (32.74 %)	50% Maximum
<b>Parking for Lot 2</b>		
Single-family dwelling		
Enclosed	2	2
Open	2	2
Accessory dwelling unit		
Enclosed	1	0
Open	1	2
<b>Total Parking Spaces</b>	<b>6</b>	<b>6</b>



<b>Building Height for Lot 2</b>		
Single-family dwelling	23'-9"	35'-0" Maximum
Accessory dwelling unit	12'-10"	17'-0" Maximum

\* Square feet of house and accessory dwelling unit including garage and open parking on driveway.

**BACKGROUND:**

The property is a 24,787 square foot lot, located on the east side of Magnolia Street, north of Lampson Avenue. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The property is located in an area with single-family residences and is currently improved with a 2,253 square foot single-family dwelling, a 672 square foot detached three-car garage, and a 698 square foot detached accessory dwelling unit. The property owner proposes to subdivide the property into two (2) lots in order to maintain the existing single-family dwelling on Lot 1, and to construct a new, two-story 2,044 square foot single-family dwelling, and a new 699 square foot accessory dwelling unit on Lot 2.

**DISCUSSION:**

**SITE PLAN:**

**Circulation and Unit Design**

The project will consist of subdividing a 24,787 square foot lot into two (2) parcels in order to maintain the existing single-family dwelling on Lot 1, and provide a new single-family dwelling on the proposed lot, Lot 2. The existing single-family dwelling will be accessed from its existing driveway, and the proposed lot will be accessed from a new 20'-0" wide drive approach from Magnolia Street.

Lot 1 will have a lot size of 14,070 square feet. The existing single-family dwelling, detached three-car garage, and detached accessory dwelling unit will remain on the lot. The existing 2,253 square foot single-family dwelling consists of three (3) bedrooms, two (2) bathrooms, a living room, a den, a kitchen and a dining room. The property is developed with a 672 square foot detached three-car garage that complies with the parking requirements for the single-family dwelling and the accessory dwelling unit. The existing 698 square foot detached accessory dwelling unit consists of two (2) bedrooms, one (1) bathroom, a living room, a kitchen, a dining room, and a front porch. The existing structures will maintain the minimum side setback to the proposed property line.

Lot 2 will have a lot size of 10,717 square feet. The applicant proposes to construct a two-story 2,044 square foot single-family dwelling at the rear of the lot, and a 699 square foot detached accessory dwelling unit toward the front of the lot. The single-family dwelling will consist of a foyer, a living room, a family room, a kitchen,

a dining room, a laundry room, four (4) bedrooms, and three (3) bathrooms. An attached 473 square foot two-car enclosed garage will be provided for the single-family dwelling. The applicant is also proposing a front porch and a 470 square foot rear open patio cover. The detached accessory dwelling unit will consist of a kitchen, a living room, two (2) bedrooms, one (1) bathroom, a 34 square foot front porch, and an attached 249 square foot one-car enclosed garage.

Title 9 of the Municipal Code requires that an R-1 zoned property be developed with an existing single-family dwelling, meet all parking requirements, and all structures to be legal prior to the development of an accessory dwelling unit. Therefore, the proposed conditions of approval require that the primary unit be substantially constructed prior to the beginning stages of construction of the proposed accessory dwelling unit. In addition, the development, use, and occupancy of the proposed accessory dwelling unit will be subject to the City's accessory dwelling unit ordinance, which requires ministerial plan check approval and recordation of a covenant and agreement to ensure compliance with the ordinance prior to issuance of building permits.

The applicant has designed both lots to comply with the R-1 zoning requirements, including minimum lot size, setbacks, parking, and maximum lot coverage. Title 9 of the Municipal Code requires a minimum lot width of 60'-0" for interior lots, and a minimum lot size of 7,200 square feet for properties zoned R-1-7. The existing lot currently has a lot width of 140'-3". The applicant is proposing an 80'-0" lot width for Lot 1 and 60'-3" for Lot 2. Both lots will meet the minimum lot size requirement for the zone. Lot 1 will be 14,070 square feet and Lot 2 will maintain a 10,717 square foot lot size. All proposed improvements on Lot 2, including required open parking, will maintain a 32.74 percent lot coverage, which is under the maximum fifty percent limitation for the R-1 zone. The proposed design of Lot 2 will also maintain a minimum 1,000 square feet of open space in the required rear setback as required per the R-1 zone.

#### Building Design

The applicant is not proposing to modify the exterior appearance of the existing single-family dwelling, detached garage, and accessory dwelling unit located on Lot 1.

The proposed two-story single-family dwelling located on Lot 2 will have a contemporary appearance. The front elevation will include a porch with stone veneer and plaster finishes to enhance the appearance of the structure. The windows will be accentuated with architectural trim, and the roof will consist of concrete tile. The proposed accessory dwelling unit will be consistent with the primary unit in terms of architectural design, materials, finishes, and color.

Landscaping

The developer is required to landscape all landscaped areas shown on the site plan. A minimum of 50% of the required 20'-0" front setback shall be landscaped and irrigated in accordance with the requirements of Title 9. The project is required to provide a variety of trees, shrubs, and ground cover throughout the property. A detailed landscape and irrigation plan shall be submitted to the Planning Services Division for review and approval.

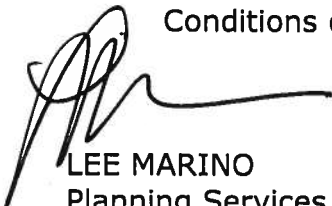
TENTATIVE PARCEL MAP:

In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Parcel Map No. PM-2003-2017 to subdivide the existing property into two (2) lots for the purpose of having a single-family home on each lot. The Tentative Parcel Map is in conformance with the City's General Plan, the zoning requirements, the City's Subdivision Ordinance, and the State's Subdivision Map Act for this site. Subdividing the subject lot into two parcels, complies with Title 9, Zoning Code (R-1-7) development standards for the minimum lot width requirement of 60'-0" and the minimum lot area requirement of 7,200 square feet.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

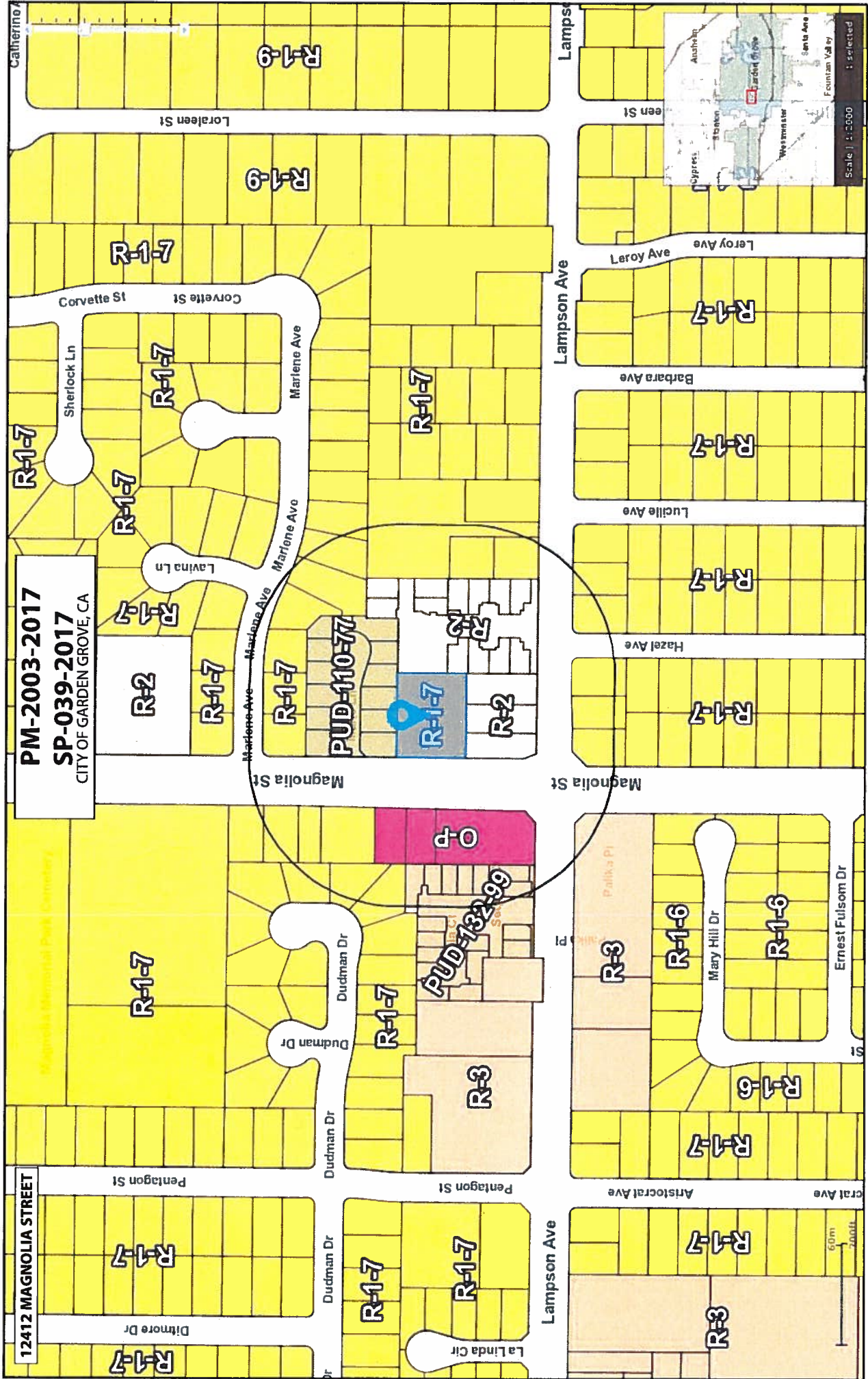
1. Adopt the attached Resolution approving Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, subject to the recommended Conditions of Approval.



LEE MARINO  
Planning Services Manager



By: Mary Medrano  
Assistant Planner

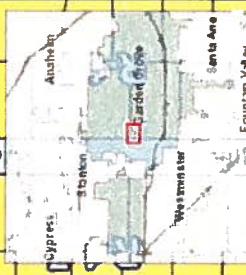


**PM-2003-2017**  
**SP-039-2017**  
 CITY OF GARDEN GROVE, CA

12412 MAGNOLIA STREET

60m  
 200ft

Scale | 1:1000  
 : selected





**VP Home**

11418 ELIZABETH STREET  
 GARDEN GROVE, CA 92844  
 TEL: (714) 841-8377  
 Email: vp@vp-home.com

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NO. DATE REVISION

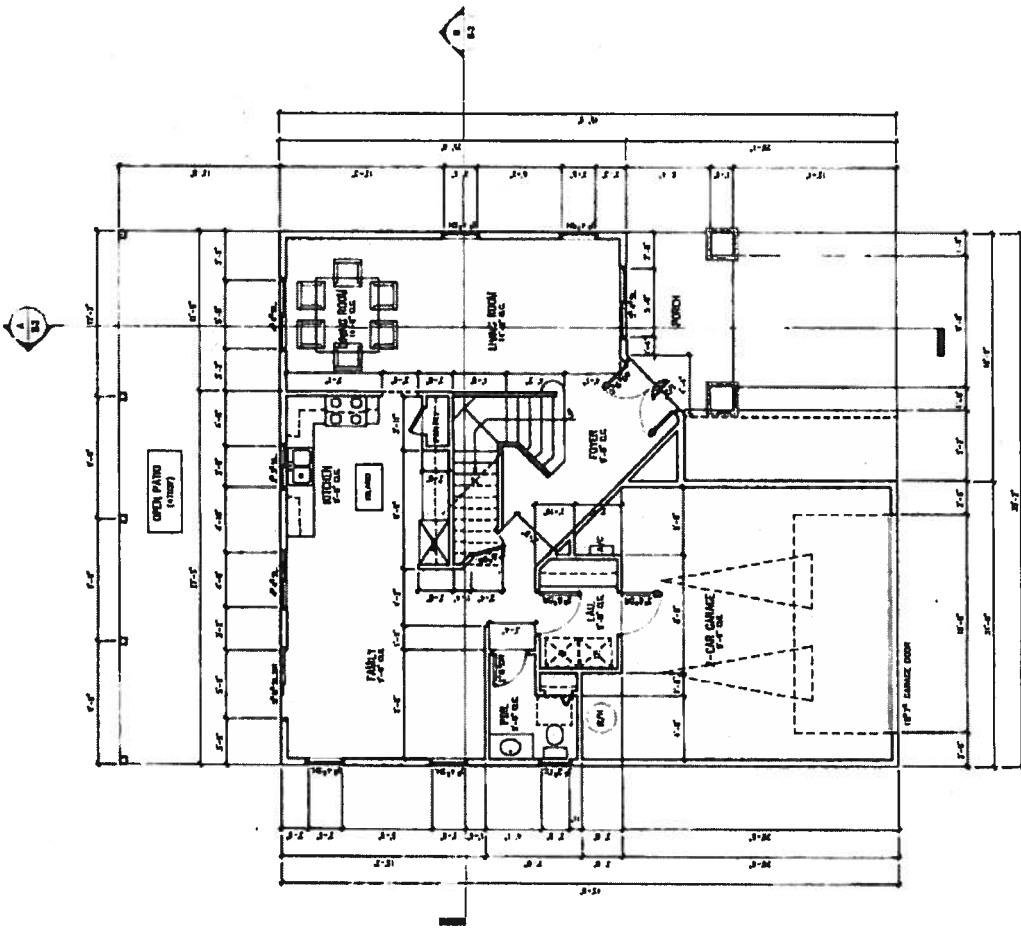

**PROPOSED MAIN & GUEST HOUSES**

OWNER: ANA THI HA  
 12412 MAGNOLIA AVE  
 GARDEN GROVE, CA 92841

Drawing Title  
**FIRST FLOOR PLAN**  
 (Sheet 1)

Project Number	010
Client	VP Home
Architect	VP Home
Scale	1/4" = 1'-0"
Drawing Number	010

**A-1**



**FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



**VP Home**

1101 CALLE MITHY STREET  
GARDEN GROVE, CA 92841  
Tel: (714) 941-1111  
www.vphome.com

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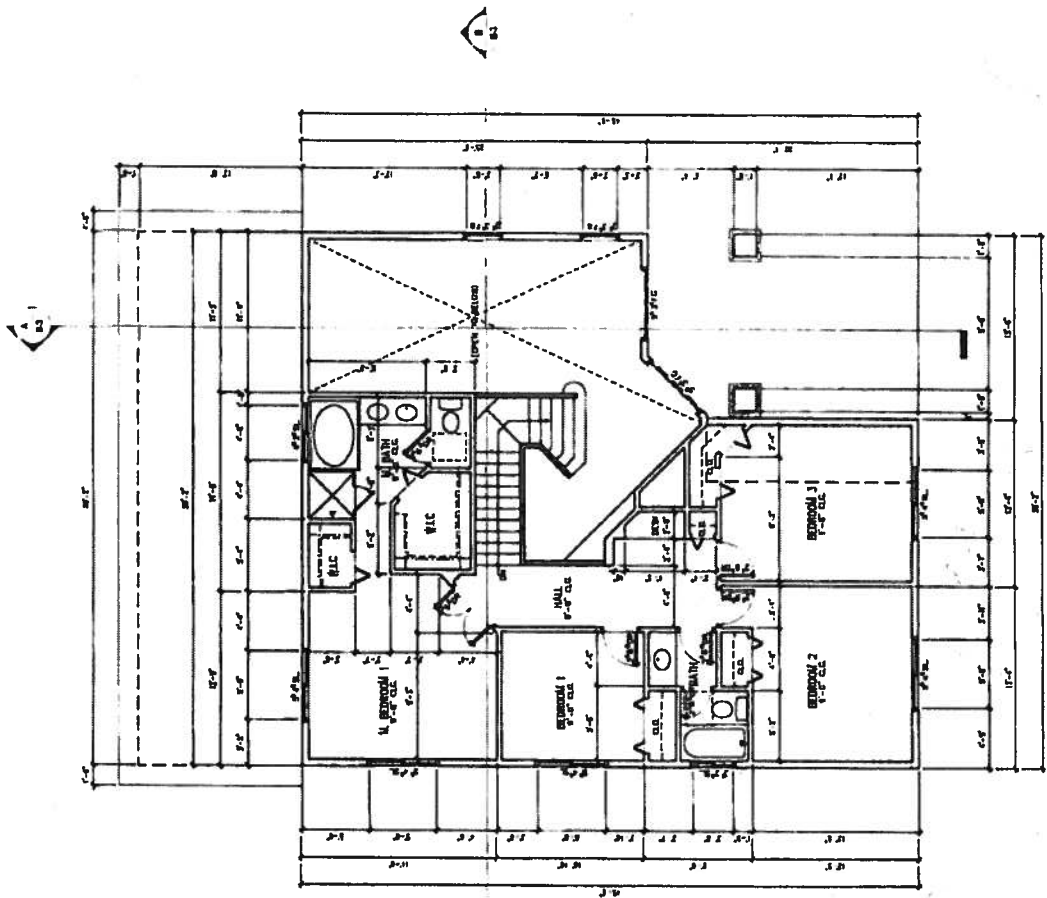


NO.	DATE	REVISION

**PROPOSED MAIN & GUEST HOUSES**  
OWNER: ANA THI HA  
12412 MAGNOLIA AVE  
GARDEN GROVE, CA 92841

Project Name	SECOND FLOOR PLAN
Project Number	213 8007 14
Drawn	SM
Checked	
Designed	
Per	
By	
DATE	
ISSUANCE NUMBER	

**A-2**



**SECOND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

VP Home

14155 LINDSEY STREET  
GARDEN GROVE, CA 92841  
TEL: (714) 941-8888  
www.vphome.com

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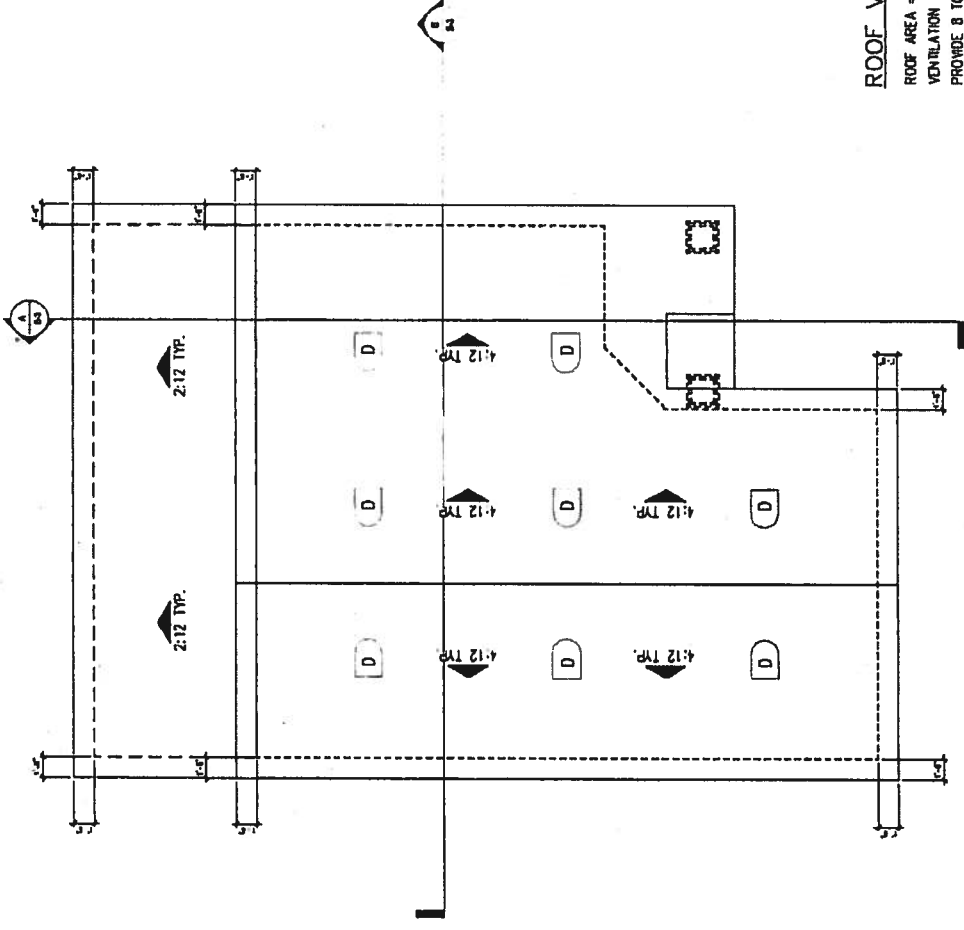
PROJ. NO. \_\_\_\_\_ DATE \_\_\_\_\_  
REVISIONS  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

PROPOSED MAIN & GUEST HOUSES  
OWNER: ANA THI HA  
12412 MAGNOLIA AVE  
GARDEN GROVE, CA 92841

Project Name: \_\_\_\_\_  
Drawing Title: ROOF PLAN (PART 1)

Project Number	275	REV.	14
Drawn	_____	Checked	_____
Site	_____	Designed	_____
	_____	PI	_____

DRAWING NUMBER  
**A-3**



**ROOF VENTILATION CALCULATION**

ROOF AREA = 1530 SF  
 VENTILATION AREA REQUIRED = 1530 / 150 = 10.20 SF  
 PROVIDE 8 TOTAL 12" X 24" DORMERS  
 VENTILATION AREA PROVIDED = 8 x 1.57 = 12.56 SF

**ROOF PLAN**  
SCALE: 1/4" = 1'-0"

12" x 24" DORMERS (8 TOTAL)





**VP Home**

125 W. 14TH ST  
 SAN ANTONIO, TEXAS 78207  
 (512) 343-1000  
 www.vphome.com

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DATE: 12/15/10  
 PROJECT: PROPOSED MAIN & GUEST HOUSES

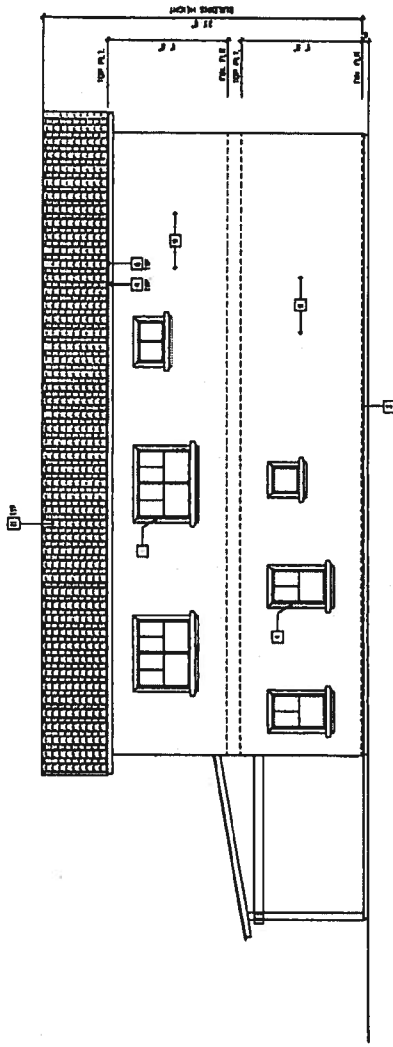


**PROPOSED MAIN & GUEST HOUSES**

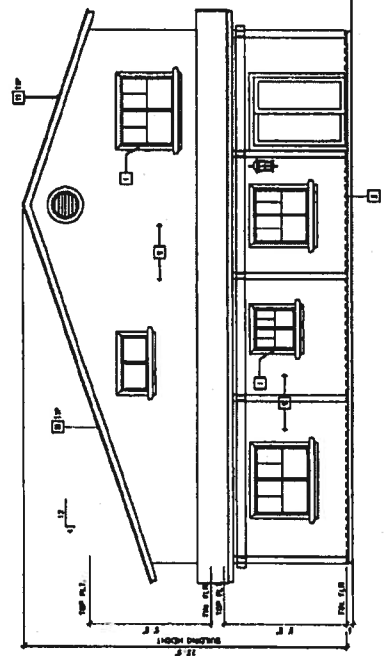
OWNER: ANA THIA  
 12412 MAGNOLIA AVE  
 GARDEN GROVE, CA 92841

Drawing Title: NORTH / EAST ELEVATIONS (PART 1)  
 Project Number: 12345  
 Date: 12/15/10  
 Drawn: [Name]  
 Checked: [Name]  
 Scale: 1/8" = 1'-0"

**A-5**



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



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

**ELEVATION NOTES**

1. 2" x 4" ROOF TRIM BY PLASTER OVER
2. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
3. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
4. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
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16. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
17. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
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19. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
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21. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
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23. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
24. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM
25. 1/2" GYPSUM BOARD OVER 2" x 4" TRIM

**VP Home**

11541 CLAREMONT STREET  
DUNSMITH, CALIFORNIA 94555  
Tel: 925-835-1100  
Web: www.vphome.com

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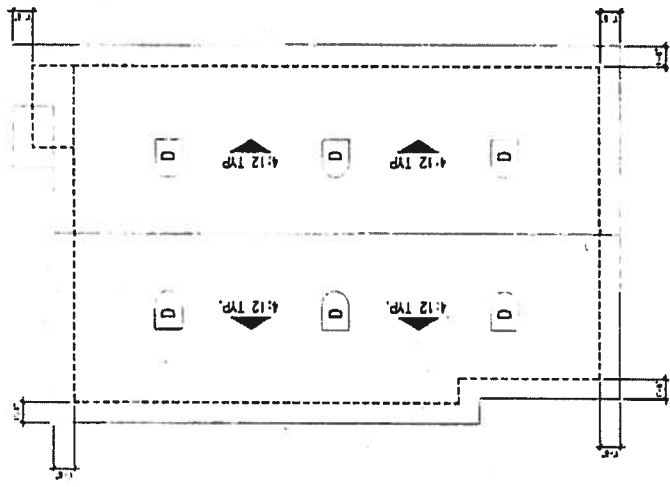
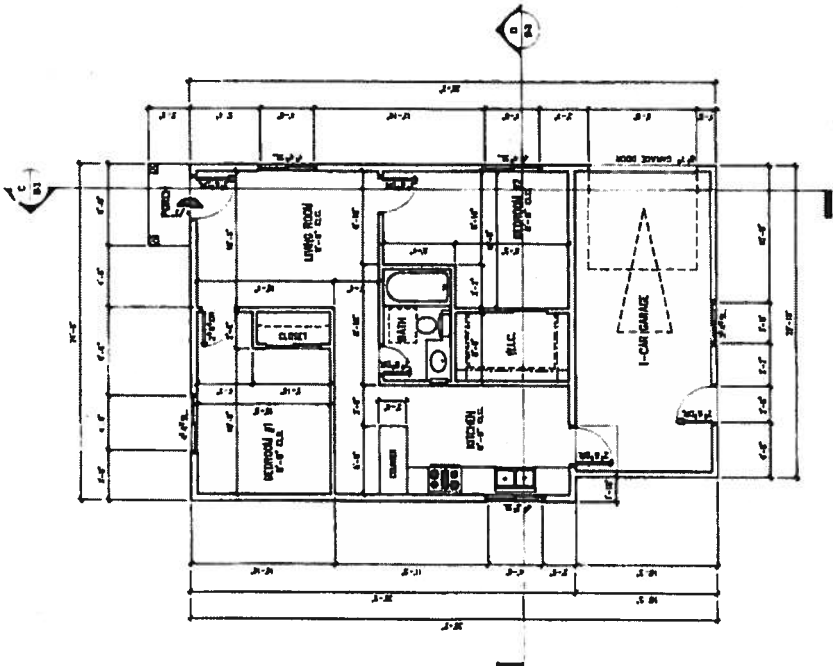
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REVISION: \_\_\_\_\_

**PROPOSED MAIN & GUEST HOUSES**  
OWNER: ANA TH HA  
12412 MAGNOLIA AVE  
GARDEN GROVE, CA 92841

Drawing Title:  
PROPOSED MAIN & GUEST HOUSES  
ROOF PLAN (SHEET 2)

Project Number: 23 NOV 14  
Drawn: [ ]  
Checked: [ ]  
By: [ ]  
Date: [ ]  
DRAWING NUMBER

**B-1**



**ROOF VENTILATION CALCULATION**

ROOF AREA = 948 SF  
 VENTILATION AREA REQUIRED = 948 / 150 = 6.32 SF  
 PROVIDE 6 TOTAL 12' x 24" DORMERS  
 VENTILATION AREA PROVIDED = 6 x 1.57 = 9.42 SF



RESOLUTION NO. 5892-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-039-2017 AND TENTATIVE PARCEL MAP NO. PM-2003-2017 FOR PROPERTY LOCATED ON THE EAST SIDE OF MAGNOLIA STREET, NORTH OF LAMPSON AVENUE, AT 12412 MAGNOLIA STREET.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled September 7, 2017, hereby approves Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, for a property located on the east side of Magnolia Street, north of Lampson Avenue, at 12412 Magnolia Street, Assessor's Parcel No. 133-183-38.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, the Planning Commission of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by Anna Ha, owner of the subject property.
2. The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide a 24,787 square foot lot into two (2) parcels and to develop a new single-family dwelling and accessory dwelling unit on one of the parcels. Lot 1, which is already developed with an existing single-family dwelling, accessory dwelling unit, and three-car garage, will have a lot size of 14,070 square feet. Lot 2, which will be developed with a new, single-family dwelling and accessory dwelling unit, will have a lot size of 10,717 square feet.
3. The proposed project is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303 and 15315).
4. The property has a General Plan designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The site is currently improved with a single-family home, a detached accessory structure, and a detached three-car garage that will remain on Lot 1, while a new two-story, 2,044 square foot, single-family home, and a new, 699 square foot, detached accessory dwelling unit, will be constructed on Lot 2.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on September 7, 2017, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting on September 7, 2017; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.04.030 are as follows:

FACTS:

The property is a 24,787 square foot lot, located on the east side of Magnolia Street, north of Lampson Avenue. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The property is located in an area with single-family residences and is currently improved with a 2,253 square foot single-family dwelling, a 672 square foot detached three-car garage, and a 698 square foot detached accessory dwelling unit. The property owner proposes to subdivide the property into two (2) lots in order to maintain the existing single-family dwelling on Lot 1, and to construct a new, two-story 2,044 square foot single-family dwelling, and a new 699 square foot accessory dwelling unit on Lot 2.

Lot 1 will have a lot size of 14,070 square feet. The existing single-family dwelling, detached three-car garage, and detached accessory dwelling unit will remain on the lot. The existing 2,253 square foot single-family dwelling consists of three (3) bedrooms, two (2) bathrooms, a living room, a den, a kitchen and a dining room. The property is developed with a 672 square foot detached three-car garage that complies with the parking requirements for the single-family dwelling and the accessory dwelling unit. The existing 698 square foot detached accessory dwelling unit consists of two (2) bedrooms, one (1) bathroom, a living room, a kitchen, a dining room, and a front porch. The existing structures will maintain the minimum side setback to the proposed property line.

Lot 2 will have a lot size of 10,717 square feet. The applicant proposes to construct a two-story 2,044 square foot single-family dwelling at the rear of the lot, and a 699 square foot detached accessory dwelling unit toward the front of the lot. The single-family dwelling will consist of a foyer, a living room, a family room, a kitchen, a dining room, a laundry room, four (4) bedrooms, and three (3) bathrooms. An attached 473 square foot two-car enclosed garage will be provided for the single-family dwelling. The applicant is also proposing a front porch and a 470 square foot rear open patio cover. The detached accessory dwelling unit will consist of a

kitchen, a living room, two (2) bedrooms, one (1) bathroom, a 34 square foot front porch, and an attached 249 square foot one-car enclosed garage.

The applicant has designed both lots to comply with the R-1 zoning requirements, including minimum lot size, setbacks, parking, and maximum lot coverage. Title 9 of the Municipal Code requires a minimum lot width of 60'-0" for interior lots, and a minimum lot size of 7,200 square feet for properties zoned R-1-7. The existing lot currently has a lot width of 140'-3". The applicant is proposing an 80'-0" lot width for Lot 1 and 60'-3" for Lot 2. Both lots will meet the minimum lot size requirement for the zone. Lot 1 will be 14,070 square feet and Lot 2 will maintain a 10,717 square foot lot size. All proposed improvements on Lot 2, including required open parking, will maintain a 32.74 percent lot coverage, which is under the maximum fifty percent limitation for the R-1 zone. The proposed design of Lot 2 will also maintain a minimum 1,000 square feet of open space in the required rear setback as required per the R-1 zone.

#### FINDINGS AND REASONS:

#### **SITE PLAN**

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

The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1-7 (Single-Family Residential). The project has been designed to comply with the development standards of the R-1-7 (Single-Family Residential) zone. Both parcels comply with the setbacks, parking, lot coverage, building height, and the minimum lot size and lot width requirements of the zone. The existing single-family home will remain on Lot 1. Lot 1 complies with the minimum lot width requirement of 60'-0". The proposed project is compatible with the character of the existing single-family neighborhood. The project complies with the General Plan Land Use Designation, the development standards of the R-1-7 zone, and all other applicable ordinances.

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

Each parcel will be accessed from its own single-drive approach from Magnolia Street. Lot 1 will maintain the existing drive approach and the existing three-car enclosed garage, and three (3) open guest parking spaces. Lot 2 will be improved with a two-car enclosed garage for the single-family dwelling, a single-car enclosed garage for the accessory dwelling unit, and

three (3) open guest parking spaces, which complies with the parking requirements of the R-1 zone.

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

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

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

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

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

The project has been designed in accordance with the R-1 (Single-Family Residential) development standards. The property is located in an area with existing single-family residences. The proposed subdivision will be compatible with the surrounding neighborhood. Each lot will have a single-family home that complies with the setbacks and parking requirements of the R-1 zone.

The project has been designed to ensure a reasonable degree of compatibility with the neighborhood by providing lots that comply with the minimum lot size, and all applicable development standards of the R-1 zone.

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

The project has been designed to comply with the fifty-percent (50%) lot coverage requirement of the R-1 zone that will ensure that each parcel maintains the required amount of open usable space. Additionally, the conditions of approval will ensure that the landscaping requirements of the Municipal Code will be complied with.



**TENTATIVE PARCEL MAP**

1. The proposed Tentative Parcel Map is consistent with all the elements of the Garden Grove General Plan, Subdivision Map Act, and the Subdivision Ordinance Section of the Municipal Code.

The proposed Tentative Parcel Map is consistent with the provisions of the General Plan Land Use Designation of Low Density Residential that allows for single-family residences and accessory dwelling units. The number of lots and the number of residential units on each lot does not exceed the density allowed under the General Plan Land Use Designation of Low Density Residential.

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

The design and improvement of the proposed map are consistent with the General Plan. The creation of a two (2) lot subdivision for the purposes of having one single-family home on each lot is consistent with the General Plan. The project complies with the minimum lot size requirement of the R-1 zone. Both lots comply with the minimum lot width requirement of 60'-0". In addition, the configuration of the lots and design of the proposed single-family home and accessory dwelling unit is compatible with the existing residential neighborhood. With the conditions of approval and the mitigation measures as recommended by Staff, the design and improvement of the subject site is consistent with the spirit and intent of the General Plan.

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

The site is adequate in size and shape to accommodate the proposed project. Each parcel complies with the minimum lot size, lot width, and the development standards of the R-1 zone. The placement and size of the proposed single-family home and accessory dwelling unit comply with the development standards for the R-1 zone, including setbacks, parking, lot coverage and open space provisions.

4. The requirements of the California Environmental Quality Act have been satisfied.

The requirements of the California Environmental Quality Act have been satisfied. The project is exempt from CEQA pursuant to Section 15303(a) (New Construction or Conversion of Small Structure) and Section 15315 (Minor Land Divisions) of the California Environmental Quality Act.

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

The site is adequate in size and shape to accommodate a two (2) lot subdivision that complies with the minimum lot size and the minimum lot width requirement of the R-1 zone. The proposed design of the residential lot allows for the placement of a new single-family home and accessory dwelling unit, which complies with the density requirements of the General Plan and Land Use Code.

The placement of the new single-family home on Lot 2 complies with the R-1 development standards. The existing house on Lot 1 will maintain compliance with the R-1 zoning requirements. The project complies with the minimum parking, open space, setbacks, lot coverage and building height requirements of the R-1 zone.

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

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems since conditions of approval will be in place to safeguard the public health. City Departments, including Traffic Division, Water Division, Engineering Division, Fire Department, Police Department and the Planning Division have reviewed the proposed development and have applied conditions of approval as mitigating measures against any potential negative impacts that the project may have on the community. The conditions of approval for on- and off-site improvements will safeguard the public health.

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

The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision.

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

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

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

The project has been designed in accordance with Government Code Section 66473.1, which encourages the orientation of the units to take advantage of shade and prevailing breezes.

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

The project has been reviewed in relation to the housing needs and goals of the City and is compatible with the existing residential projects in the vicinity. The property is located in an area with existing single-family residences. The property is currently improved with a single-family home, a detached accessory dwelling unit, and a detached three-car garage. The existing single-family home will remain on Lot 1, and a new single-family home and accessory dwelling unit will be constructed on Lot 2. The subdivision will be compatible with the surrounding area since the lots are designed to comply with the minimum lot size. Both lots comply with the minimum lot width requirements of the R-1 zone. The project complies with the density requirements of the General Plan, and complies with all applicable R-1 development standards.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Parcel Map possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan) and Section 9.40.060 (Tentative Maps).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of

Approval (Exhibit "A") shall apply to Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017.

# **EXHIBIT "A"**

**Site Plan No. SP-039-2017**

**Tentative Parcel Map No. PM-2003-2017**

12412 Magnolia Street

## **CONDITIONS OF APPROVAL**

### **GENERAL CONDITIONS**

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

**Public Works Engineering Division**

6. The applicant shall be subject to Traffic Mitigation Fees 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 amounts of said fees shall be calculated based on the City's current fee schedule in effect at the time of permit issuance.
7. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. 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.
8. A separate street permit is required for work performed within the public right-of-way.
9. Separate 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' 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 plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
10. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a *Final* Water Quality Management Plan that:
  - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;

Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017  
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- b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
  - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP;
  - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;
  - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs;
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
11. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
  - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
  - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on site;
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
12. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per 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.
13. Any new or required block walls and/or retaining walls shall be shown on the grading plans with a minimum height of 6 feet from the highest finished grade. 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.
14. No parallel curb parking shall be permitted anywhere on the site.

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15. Orange County Storm Water Program Manual requires all contractors to provide a dumpster on site during construction unless an Encroachment Permit is obtained for placement on Street.
16. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
17. The applicant shall remove the existing substandard driveway approach on Magnolia Street and construct drive approach, curb/gutter and sidewalk. The new driveway approaches to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-120. Standard Plan B-120 calls for a minimum width of 30-feet for commercial and multi residential projects, with any deviation from the standard to be approved by the City Traffic Engineer and detailed on the plan showing all modifications.
18. Applicant to coordinate the location of all new water meters to be replaced in sidewalk area on Magnolia Street with Planning Department and Water Division.
19. Any proposed new landscaping in public right-of-way shall be approved by City Planning Department.
20. The applicant shall coordinate the relocation of the existing utility pole on Magnolia Street with SCE and other utility owners for expansion of southerly drive approach and construct street frontage improvements as identified below:

Magnolia Street

- a. A separate street improvement plan shall be prepared and submitted to the Engineering Department for improvements within the existing and proposed right-of-way.
- b. Remove the existing substandard driveway approach, curb/gutter on Magnolia Street and construct drive approach, curb/gutter and sidewalk.
- c. The new driveway approaches to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-120. Standard Plan B-120 calls for a minimum width of 30-feet with any further deviation (24-feet width approved by City Traffic Engineer) from the standard to be approved by the City Engineer and detailed on the plan showing all modifications.
- d. Applicant to coordinate the location of all new water meters to be replaced in sidewalk area on Magnolia Street with Planning Department and Water Division.



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- e. Any proposed new landscaping in public right-of-way shall be approved by City Planning Department.
21. The applicant shall submit an updated title report along with copies of the recorded instruments listed in the title report.
22. The applicant shall submit copies of the reference maps used to prepare legal description and the plat.

**Public Works Water Services Division**

23. Two new 1" water meters and services with a Residential Fire Service Connections shall be installed per City Standard B-719.
24. The fire service risers shall have a single spring loaded check valve.
25. 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 applicant's expense.
26. Applicant shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 4" minimum diameter, extra strength VCP with wedgelock joints.
27. Applicant shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

**Building Department**

28. The project shall meet the requirements of the 2016 California Building and Residential codes.
29. Fire sprinklers shall be provided for the new single-family dwelling unit and accessory dwelling unit.
30. The new garages shall be provided with raceway to accommodate a future EV charging station.
31. A soils report shall be prepared for the new structures that includes evaluation of the effects of liquefaction and recommended mitigation measures.

**Fire Department**

32. New sprinkler systems shall be installed in accordance with the 2016 California Fire Code on the new single-family dwelling unit and accessory dwelling unit.

**Community and Economic Development Department**

33. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to submitting plans into the Building Division Plan Check process. The project shall also be subject to the following:
- a. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan and Tentative Parcel Map, shall be installed or relocated underground.
  - b. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, within the common areas, or any parking areas, and shall be screened to the satisfaction of the Community and Economic Development Director.
  - c. No roof-mounted mechanical equipment including, but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - d. All ground or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
  - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
34. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Section 8.47.060 referred to as the county Noise Ordinance as adopted, except that:
- a. Monday through Friday – not before 7:00 a.m. and not after 5:00 p.m.
  - b. Saturday – not before 8:00 a.m. and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
  - c. Sunday and Federal Holidays – no construction shall occur.

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35. The applicant shall submit a complete landscape and irrigation plan. The plan shall be submitted to and be approved by the Community and Economic Development Department, Planning Services Division prior to the issuance of building permits. The landscaping plan shall comply with all the landscaping permits. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code. Said plan shall include substantial plantings that create a natural setting and include type (both common and botanical names), size, location, and quantity of all plant material. Particular attention shall be paid to enhance landscaping for walkway areas. It shall include irrigation plans and staking and planting specification. The landscape plan shall include the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for the trees planted in the setback areas, adjacent to the sidewalks, shall have a deep-water irrigation system that shall be specified on the landscape plan. If sprinklers are used, they shall be low flow/precipitation sprinkler heads for water conservation.
  - b. The plan shall provide trees, shrubs/bushes and groundcover. Where clinging vines are used for covering walls, Boston Ivy shall be considered among other similar plantings. All proposed trees shall be non-weeping, evergreen trees that required minimal maintenance.
  - c. The landscaping treatment along Magnolia Street, including the area designated as public right-of-way, shall incorporate a mixture of groundcover, flowerbeds, and shrubs. The height of the plant material shall not exceed 36 inches in height in order to ensure visibility to the site from the public right-of-way.
  - d. Landscaping treatment shall be installed within the front yard areas of both properties. The landscaping shall be completed within 60 days of granting any building final on the respective units. The landscaping shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees. The Community and Economic Development Department shall review the type and location of all proposed trees.
  - e. The property owners shall be responsible for all installation and permanent maintenance of all landscaping on the property. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
  - f. Trees planted within ten (10) feet of any public right-of-way shall be planted in a root barrier shield. All landscaping along the street frontage

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adjacent to the driveway shall be of the low height variety to ensure a safe sight clearance.

- g. All above ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
36. Fences and walls located within the front yard areas, or adjacent to driveways shall not exceed 36 inches in height. Wood fencing located adjacent to any street, parking area, or driveway is prohibited. The developer shall work with the Community and Economic Development Department in order to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. The existing chain-link fence located along the front setback area of both lots shall be removed.
37. As part of the submittal drawings for plan check, the Developer shall submit detailed drawings showing the exterior of all buildings, architectural details, and window and door treatments. The plans shall indicate landscape materials, wall materials, and building materials proposed for the project. Trim shall be provided around all windows and doors. The exterior, all window and door trim, and architectural details of the single-family dwelling and accessory dwelling unit shall be consistent. Details of the trim and exterior finishes shall be provided in the construction drawings.
38. The new garage doors shall be automatic roll-up type doors.
39. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane, or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
40. Each unit shall have phone jacks and cable-TV outlets in all rooms, with the exception of the laundry area, hallways, and bathrooms.
41. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.
42. The development is subject to the following stipulations:
  - a. Each property shall maintain the ability to park three (3) vehicles within the required enclosed garages at all times. The enclosed garages shall not be converted to any other use.

Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017  
Conditions of Approval

- b. There shall be no business activities, day care, or garage sales conducted within or from the enclosed garages.
  - c. Garages shall not be rented or leased separately from the dwelling units and shall not be made unavailable to the occupants of the units.
  - d. Residents shall not park or store vehicles anywhere on the site except within the garage of their dwelling unit. However, the parking spaces in front of the garage doors may be utilized by the residents and guests for temporary parking.
  - e. Trash containers shall be stored within designated storage areas only and not within the garage parking area. The placement of trash containers for pick-up, and the duration of time prior to and after trash collection of those trash containers, is subject to the Garden Grove Sanitary District requirements. The applicant shall provide each individual unit with a trash storage area to accommodate three trash containers. The area for each container shall be a minimum of 38 inches by 38 inches. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.
  - f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
  - g. Any addition to the main residence, shall comply with the R-1 zone development standards. Room additions and accessory structures shall maintain consistency with the architecture of the house, including building material, design, and roof pitch.
43. The facades of the units shall be designed with sound attenuation features including the use of dual paned windows. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
44. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than three (3) feet to any property line. The equipment shall only be located in an enclosed rear or side yard, and only if the above distance stipulation is met. If units will not have an air conditioning condensing unit installed, a place shall be designated for the location of such on the property that allows for a ground mounted unit, minimizes noise intrusion to adjacent units, and allows for ease of installation per the distance separation requirements noted immediately above. No wall or window mounted or roof type of air conditioning system is permitted.
45. All lighting structures/fixtures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the

Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017  
Conditions of Approval

Planning Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or a ground lighting system. Lighting in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residents.

46. At no time shall any structure, fireplace, architectural feature, or otherwise, be closer than three feet to any property line. Any roof eaves or similar roof overhangs intruding into the three foot setback requirement, shall comply with the U.B.C. concerning method of construction.
47. The second floor windows shall, to the extent feasible, be oriented away from the existing single-family homes and/or incorporate view-obscuring measures such as the use of high windows, window alignment, and obscure glass window glazing.
48. Pursuant to subsection L of Section 9.08.020.050 of the Garden Grove Municipal Code, an "accessory dwelling unit" may only be established on a lot developed with an existing permanent single-family dwelling. Therefore, the proposed primary unit, the single-family dwelling, must be substantially constructed before the applicant may commence construction of the proposed accessory dwelling unit. The applicant is also advised that the development, use, and occupancy of the proposed accessory dwelling unit is subject to the provisions of subsection L of Section 9.08.020.050 of the Garden Grove Municipal Code. Accordingly, prior to issuance of a building permit for the proposed accessory dwelling unit, the applicant must obtain ministerial approval of the accessory dwelling unit and record the required covenant and agreement in accordance with subsection L of Section 9.08.020.050 of the Garden Grove Municipal Code.
49. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, and his/her agreement with all conditions of approval.
50. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. To the extent applicable, the applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, has begun.
51. 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-039-2017 and Tentative Parcel Map No. PM-2003-2017 (collectively, the "Project entitlements"). 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.

52. 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 Tentative Parcel Map No. PM-2003-2017 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal period and thereafter diligently advanced until completion of the project. Site Plan No. SP-039-2017 shall be valid for one (1) year after the effective date of Resolution No. 5892-17

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2.	<b>SITE LOCATION:</b> Southwest corner of Westminster Avenue and Brookhurst Street, at 9972 Westminster Avenue
<b>HEARING DATE:</b> September 7, 2017	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NO.:</b> Site Plan No. SP-040-2017	<b>ZONE:</b> C-1 (Neighborhood Commercial)
<b>APPLICANT:</b> Vinnie Tran	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER(S):</b> The Ngo Family, LLC	<b>APN:</b> 098-361-19

**REQUEST:**

The applicant is requesting Site Plan approval to construct a new 8,235 square foot two-story, medical/office building on a vacant 20,778 square foot lot, located at 9972 Westminster Avenue, along with associated improvements, which include a parking lot and landscaping, collectively known as the "Project".

**PROJECT STATISTICS:**

	<b>Provided</b>	<b>Code</b>
<b>Lot Size</b>	20,778 S.F.	15,000 S.F.
<b>Landscaping</b>	All Required Setbacks 1,503 S.F. (12%)	All Required Setbacks 10% of Net Dev. Site Area (1,255 S.F.)
<b>Parking</b>	35	32
<b>Building Height</b>	35'-0"	35'-0" Maximum
<b>Building Setbacks</b>		
East (Front)	15'-0"	15'-0"
West (Rear)	71'-0" (to the building)	10'-0"
West (Interior Side)	69'-0"	0'-0"
North (Street Side)	10'-0"	10'-0"



**BACKGROUND:**

The subject property (the "property") is a 20,778 square foot vacant lot, located at the southwest corner of Westminster Avenue and Brookhurst Street. The property has a General Plan Land Use Designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). The property is adjacent to C-1 zoned properties to the west, south, across Brookhurst Street, to the east, and C-2 (Community Commercial) zoned properties, across Westminster Avenue, to the north. The property was previously improved with, and in operation as, a Mobil gas station, which, according to business license records, opened in 1990 until it closed in 2015. In January of 2015, a demolition permit was obtained and all existing improvements, which included the underground tanks, the buildings, and canopies, were removed from the property. Since 2015, the property has remained vacant and unimproved.

**DISCUSSION:**

**SITE PLAN:**

**Site Design, Circulation & Floor Plan:**

The vacant/undeveloped property is improved with three (3) existing driveway approaches, curb and gutter, and a public sidewalk, on both street frontages - along Westminster Avenue and Brookhurst Street. All (3) existing driveway approaches will be removed, as part of the Project, and two (2) new 30'-0" wide driveway approaches, meeting current City standards, will be constructed - one on each street frontage. The parking lot will be situated along the southwesterly portion of the property in an "L" shape. The applicant is proposing to construct a new 8,235 square foot two-story medical/office building, which will be situated at the northeast corner of the property, while the remainder of the site will be improved with the new parking lot and new landscaping. Two (2) staircases, along with an elevator, will provide access to an exterior balcony (common area corridor) on the second floor, which in turn will provide access to the second floor tenant spaces.

The applicant has proposed to occupy each tenant space with specific uses and the parking requirements (the minimum number of parking spaces required) have been calculated as such. The floor plan design provides for six (6) separate tenant spaces (three on the first floor and three on the second floor), which include suite nos. 100, 101, 102, 200, 201, 202, and a common area lobby on the first floor. It should be noted that although the applicant has proposed to occupy specific uses (medical, retail, general office) in each tenant space, any use deemed permissible in the C-1 zone would also be allowed to occupy and operate within the building provided the parking requirements have been met and justified, and all zoning

requirements complied with, including any other requirements (i.e., building code requirements, or other local, state, or federal requirements) respective to each use. In the event the site cannot accommodate the parking demand, due to impacts generated by any use on the property, at any given time, which causes a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, the business owner/property owner will be required to devise and implement a plan to relieve the situation. Conditions of approval will require the business owner/property owner to 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, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation. If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action must be implemented within 30 days of written notice. Failure to take appropriate action will be deemed a violation of the Conditions of Approval and may result in the City restricting the overall use of the negatively impacting operation.

The following table reflects the parking calculations for the Project:

Suite #	Square Footage	Proposed Use	Parking Ratio (1 parking space per sq ft of gross floor area)	# of Parking Spaces Required (Minimum)
100	1,351	Medical	170	7.9
101	481	Retail Pharmacy	200	2.4
102	1,146	Medical (Dental)	170	6.7
200	1,358	General Office	250	5.4
201	825	General Office	250	3.3
202	1,175	General Office	250	4.7
Lobby	370	N/A	250	1.5
Total # of Parking Spaces Required (Minimum) =				32
Total # of Parking Spaces Provided On-Site =				35

**Figure 1**

The proposed new building and site is designed for medical office uses, a retail use, and general office uses. Municipal Code Section 9.16.040.150, Parking spaces required, requires one (1) parking space per 170 square feet of gross floor area for "Medical, dental, and related service support facilities" uses, one (1) parking space per 200 square feet of gross floor area for retail (e.g., retail pharmacy) uses, and one (1) parking space per 250 square feet of gross floor area for "General business offices" uses. Thus, as shown in the above exhibit, Figure 1, Code requires a

minimum of thirty-two (32) parking spaces based on the proposed 8,235 square feet of usable gross floor area. The Project provides a total of thirty-five (35) parking spaces (24 standard spaces, 7 compact spaces, 2 ADA [Americans with Disabilities Act] handicap accessible spaces, and 2 electric vehicle spaces), which equals a surplus of three (3) parking spaces over the Code required minimum. A condition of approval will restrict the uses of each tenant, as noted in Figure 1 above, and as proposed by the applicant for the Project. Should the City receive a proposal to change the use(s) of a tenant space(s), the applicant will be required to demonstrate compliance with all Municipal Code requirements, such as, but not limited to, parking standards, including any other requirements set forth in the California Building Code, and/or other related local, state, or federal requirements.

Building Design:

The elevation of the building will consist of finished stucco of varying colors, wood siding, metal roofs, and stone veneer building accents. The architecture will be modern in style with varying angles and straight lines complimented by large storefront windows. The architectural design of the building also provides for sign band areas to allow for signage for each tenant space.

Landscaping:

The site is currently vacant and devoid of any landscaping. For this type of development, the Municipal Code requires that all setback areas, and a minimum amount of area within the parking lot, to be landscaped. The proposed site design provides landscaping in all required setback areas. The Municipal Code requires that 10% of all net developable site area for parking areas must be landscaped. The proposed site design will have a total of 12,550 square feet of parking area, and therefore requires a minimum of 1,255 square feet of landscaping, exclusive of the required setback landscaped areas. Complying with the Code's landscaping requirement, the proposed site design provides 1,503 square feet of landscaping, exclusive of the required setback landscaped areas. In total, including all landscaped setback areas, the Project provides a total of 3,786 square feet of landscaping which will include a variety of live plants. The applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code.

Signage:

The applicant is required to submit a detailed and fully dimensioned sign program governing the entire site to the Planning Division for review and approval.

Furthermore, exterior advertisement displays and exterior wall advertisements are not allowed. Advertisements can only be placed on the windows provided that the combined signage does not exceed 15% of the total window area.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution approving Site Plan No. SP-040-2017, subject to the recommended Conditions of Approval.



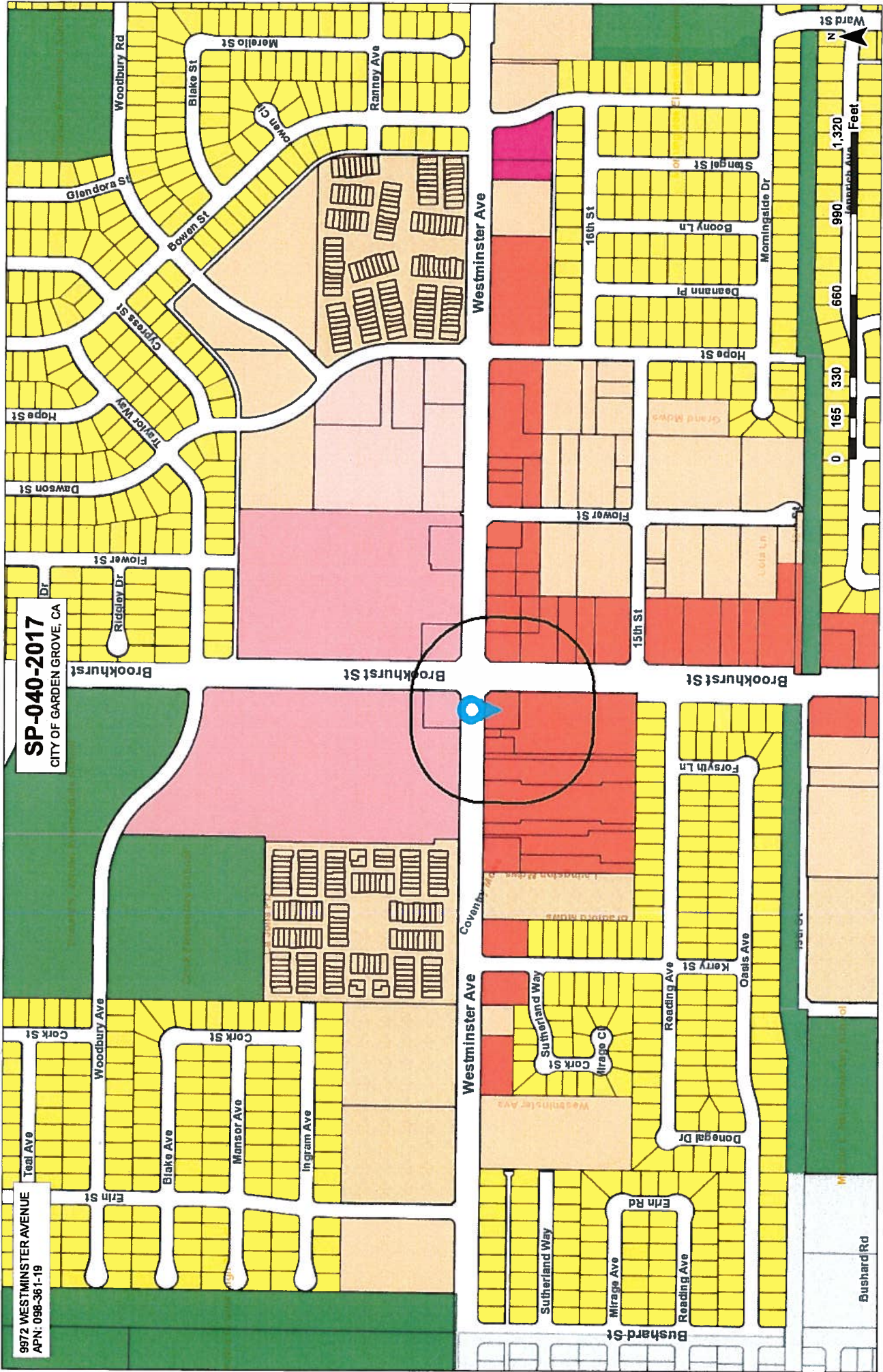
LEE MARINO  
Planning Services Manager



By: Chris Chung  
Associate Planner

9972 WESTMINSTER AVENUE  
APN: 098-361-19

SP-040-2017  
CITY OF GARDEN GROVE, CA



Ward St

1,320 Feet

990

660

330

165

0

Brookhurst Ave

Westminister Ave

Brookhurst St

Westminister Ave

Westminister Ave

Westminister Ave

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Stangel St

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Deann Pl

Hope St

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Lola Ln

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13th St

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11th St

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9th St

8th St

7th St

6th St

Morningside Dr

Reading Ave

Oasis Ave

Kerry St

Forsyth Ln

Donagel Dr

Erin Rd

Reading Ave

Mirage Ave

Sutherland Way

Sutherland Way

Cork St

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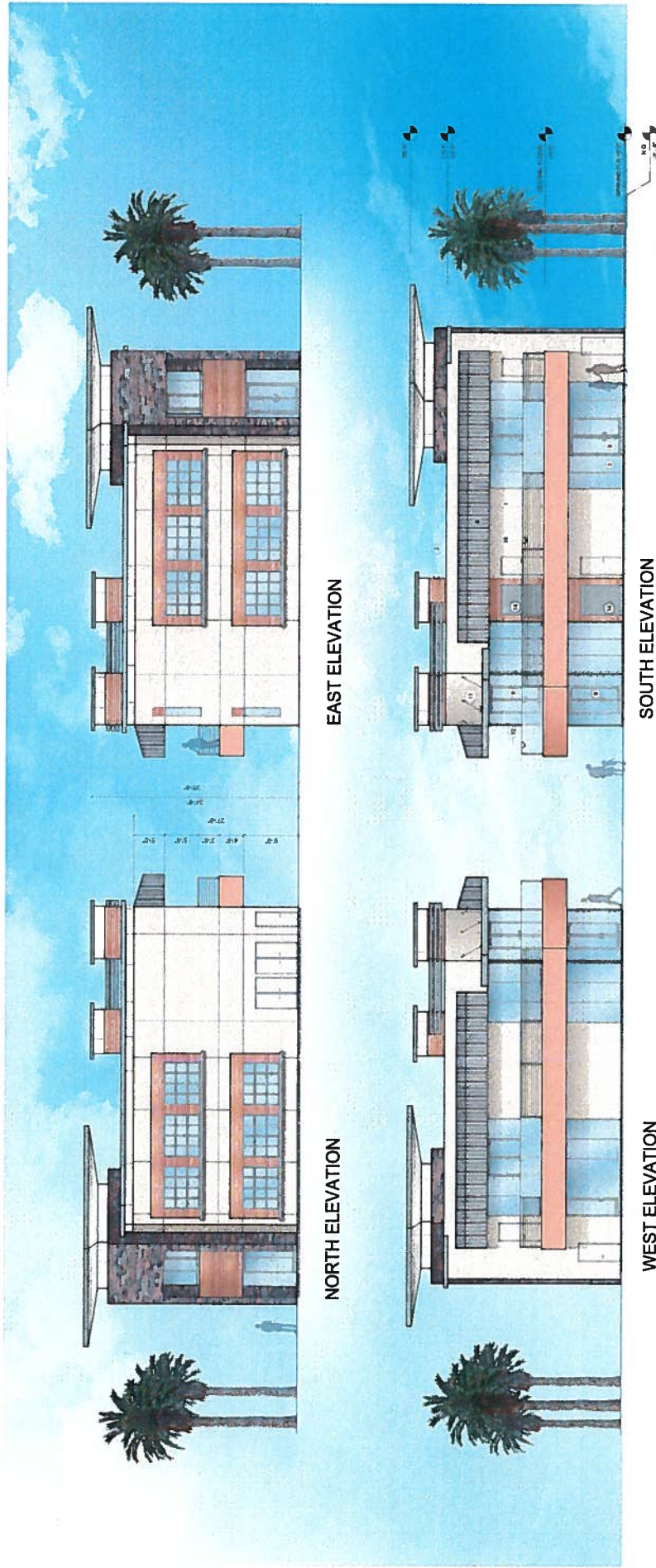
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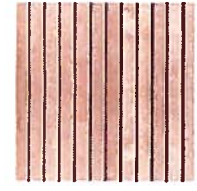
NORTH ELEVATION

EAST ELEVATION

SOUTH ELEVATION

WEST ELEVATION

- NOTE**
- 1 STUCCO FINISH
  - 2 WOOD SIDING
  - 3 STOREFRONT WINDOW
  - 4 4" FALL IN METAL CHANNEL
  - 5 FINISHET OVERHANG BY IMPREGATED DAILY COATING
  - 6 SHOCKE GLASS WINDOW
  - 7 WOOD BALCONY
  - 8 METAL ROOF
  - 9 STOREFRONT DOOR
  - 10 STEEL CHANNEL W/ STEEL CABLE ENDS
  - 11 STEEL CHANNEL FALL IN PERSONE GLAZE
  - 12 STEEL CHANNEL W/ IN GLASS PANEL
  - 13 UNIMPREGATED OVERHANG BY IMPREGATED DAILY COATING
  - 14 ELEVATOR DOOR



WOOD SIDING



METAL ROOF



STONE VENEER



STUCCO  
DUNN EDWARDS  
MARKET MELON: DE5199

STUCCO  
DUNN EDWARDS  
SAIL CLOTH: DE6184



**VT DESIGN SPECIALTIES, INC.**  
 1420 Bristol Street North, Ste. 220 Newport Beach, CA 92660  
 Phone: (714) 530-5482 Fax: (562) 315-0424 Email: info@vtds.com

**MEDICAL BUILDING, DEAN NGO M.D.**

# MEDICAL BUILDING

9972 WESTMINSTER AVE.  
GARDEN GROVE, CA 92844

W DESIGN EXTERIORS, INC.  
1420 BRISTOL ST. NORTH  
HUNTINGTON BEACH, CA 92648  
TEL: (714) 334-0000  
FAX: (714) 334-0000  
WWW.WDESIGNEXTERIORS.COM

REV.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/11/18
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	



**TITLE SHEET**  
**AREA MAP**

SCALE AS NOTED  
DRAWN BY: MD  
CHECKED BY: TRK  
PROJECT No.:  
SHEET No.: **TS**

**CODE COMPLIANCE DATA**

LEGAL JURISDICTION: CITY OF GARDEN GROVE, CALIFORNIA  
APPLICABLE CODES:  
2018 CALIFORNIA BUILDING CODE (TITLE 24)  
2018 CALIFORNIA MECHANICAL CODE  
2018 CALIFORNIA ELECTRICAL CODE  
2018 CALIFORNIA FIRE CODE  
2018 CALIFORNIA ENERGY CODE, TITLE 24  
2018 CALIFORNIA GREEN BUILDING STANDARDS (CALGREEN CODE)

**DIRECTORY**

**BUILDING OWNER:** THE MOO FAMILY, LLC.  
6465 PARKWAY, CH.  
HUNTINGTON BEACH, CA 92648  
(714) 524-0198

**DESIGN PROFESSIONAL IN CHARGE:**  
FRANCIS ONG  
1420 BRISTOL ST. NORTH - STE 220  
HUNTINGTON BEACH, CA 92648  
(714) 334-0000

**ELECTRICAL:**  
DELTA  
5302 SALEM AVE.  
WESTMINSTER, CA 92683  
CONTACT: WILLIAM TRAN  
(714) 896-3537

**SCOPE OF WORK**

NEW 2-STORY MEDICAL / OFFICE BUILDING WITH A TOTAL AREA OF 8,238 SF AND NEW SITE IMPROVEMENT.

**PROJECT DATA**

ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)  
APN: 088-361-19  
OCCUPANCY: COMMERCIAL (B)  
CONSTRUCTION TYPE: V-B  
SPRINKLER: YES  
NUMBER OF STORIES: 2  
LOT AREA: 20,840 SF (0.48 ACRE)

**DESIGN CRITERIA:**  
TOTAL COMMON AREA: 1,519 SF (STAIRS, MECH. ELEV., BALCONY)  
TOTAL USABLE AREA: 6,718 SF  
TOTAL BUILDING AREA: 8,238 SF

**USABLE AREA BREAKDOWN**

FIRST FLOOR	3,250 SF
MEDICAL	1,251 SF
DENTAL	1,148 SF
PHARMACY	481 SF
LOBBY	380 SF
SECOND FLOOR	3,250 SF
GENERAL OFFICE	823 SF
GENERAL OFFICE	1,175 SF
GENERAL OFFICE	1,252 SF
TOTAL USABLE	6,718 SF

**LANDSCAPE AREA CALCULATION:**  
SITE AREA: 20,840 SF  
LESS: - SETBACKS: 4,884 SF  
- BUILDING FOOTPRINT: 3,783 SF  
NET DEVELOPABLE AREA: 12,283 SF  
MIN. LANDSCAPE AREA REQ'D: 1,238 SF (10% OF NET DEVELOPABLE AREA)  
LANDSCAPE AREA PROVIDED WITHIN SETBACKS: 1,684 SF  
LANDSCAPE AREA - OTHER: 1,331 SF  
LANDSCAPE AREA PROVIDED: 3,015 SF (24% OF NET DEVELOPABLE AREA)

**PARKING CALCULATION:**  
MEDICAL / DENTAL: 1,251 ÷ 1146 = 1.1  
PHARMACY: 481 ÷ 200 = 2.4  
GENERAL OFFICE: 1,175 ÷ 1,258 ÷ 825 = 3.358 ÷ 250 = 13.4  
LOBBY: 380 ÷ 250 = 1.5  
TOTAL: 360 ÷ 250 = 1.5 = 32.8 REQUIRED MIN.

**NUMBER OF PARKING PROVIDED:**  
COMPACT PARKING: 7 SPACES  
REGULAR PARKING: 24 SPACES  
EV CHARGING PARKING: 2 SPACES  
ACCESSIBLE PARKING: 2 SPACES  
TOTAL PROVIDED: 38 SPACES

**OTHER PARKING:**  
BICYCLE PARKING: 4 SPACES  
MOTORCYCLE PARKING: 2 SPACES

**SHEET INDEX**

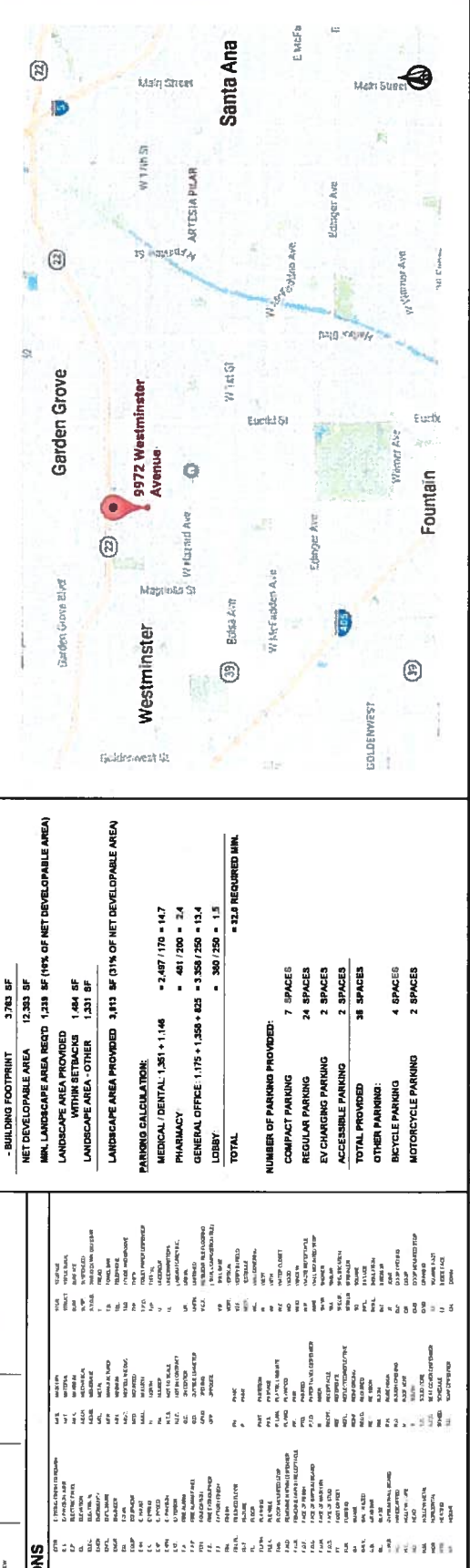
**ARCHITECTURAL**  
T8 TITLE SHEET - AREA MAP  
A-1 FIRST FLOOR PLAN AND SECOND FLOOR PLAN  
A-2 ELEVATIONS  
A-3 ROOF PLAN  
A-4 LANDSCAPE PLAN

**AREA MAP**

**ARCHITECTURAL REFERENCE SYMBOLS**

**ABBREVIATIONS**

ACT	ACTIVATION	AD	ADDITIONAL	ADJ	ADJUST	ADJ	ADJUST	ADJ	ADJUST
ADJ	ADJUST	ADJ	ADJUST	ADJ	ADJUST	ADJ	ADJUST	ADJ	ADJUST
ADJ	ADJUST	ADJ	ADJUST	ADJ	ADJUST	ADJ	ADJUST	ADJ	ADJUST
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RESOLUTION NO. 5893-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-040-2017, FOR A PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WESTMINSTER AVENUE AND BROOKHURST STREET, AT 9972 WESTMINSTER AVENUE, PARCEL NO. 098-361-19.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 7, 2017, approves Site Plan No. SP-040-2017.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-040-2017, the Planning Commission of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by Vinnie Tran.
2. The applicant is requesting Site Plan approval to construct a new 8,235 square foot two-story, medical/office building on a vacant 20,778 square foot lot, located at 9972 Westminster Avenue, along with associated improvements, which include a parking lot and landscaping, collectively known as the "Project".
3. The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303). The proposed project consists of the construction of a new commercial structure not exceeding 10,000 square feet in an urbanized area.
4. The property has a General Plan Land Use designation of Light Commercial, and is currently zoned C-1 (Neighborhood Commercial). The property is currently vacant.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 7, 2017, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of September 7, 2017, and

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

**FACTS:**

The subject property (the "property") is a 20,778 square foot vacant lot, located at the southwest corner of Westminster Avenue and Brookhurst Street. The property has a General Plan Land Use Designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). The property is adjacent to C-1 zoned properties to the west, south, across Brookhurst Street, to the east, and C-2 (Community Commercial) zoned properties, across Westminster Avenue, to the north. The property was previously improved with, and in operation as, a Mobil gas station, which, according to business license records, opened in 1990 until it closed in 2015. In January of 2015, a demolition permit was obtained and all existing improvements, which included the underground tanks, the buildings, and canopies, were removed from the property. Since 2015, the property has remained vacant and unimproved.

**FINDINGS AND REASONS:****SITE PLAN:**

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

The Project has a General Plan Land Use Designation of Light Commercial, and is zoned C-1 (Neighborhood Commercial). The Light Commercial (LC) designation is intended to allow a range of commercial activities, including medical services, general office services, and retail pharmacy services, that serve local residential neighborhoods and the larger community, and the Project will not exceed the maximum Floor Area Ratio permitted by Light Commercial Land Use Designation. The Project complies with the land use designation and the zoning requirements for the property. The placements of the structures, the site design, the parking lot layout, the number of on-site parking spaces, and the landscape areas are consistent with the spirit and intent of the requirements of the Municipal Code.

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

The proposed project will improve traffic circulation to and from the site by eliminating the three (3) existing driveway approaches along Westminster Avenue and Brookhurst Street, and constructing two (2) new 30'-0" wide driveway approaches, meeting current City standards - one on each street frontage. By directing ingress and egress of vehicles off Westminster Avenue and Brookhurst Street to be further away from the intersection, this design will increase safety for vehicular circulation as well as pedestrian access in the public right-of-way. The project has been designed to provide a drive

aisle and parking layout that enables customers to maneuver effectively through the site. Sufficient on-site parking is provided to accommodate the proposed medical/office building.

Furthermore, the City's Traffic Engineering Division and the Fire Department have also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets.

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

The streets in the area will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area, if and where necessary, will be made adequate to accommodate the development. The property is not located in a sewer deficiency area. The Public Works Department has incorporated conditions of approval to mitigate potential impacts to the sewer system.

The proposed development will also provide landscaping and proper grading of the site in order to improve drainage in the area. The Public Works Engineering and Water Services Division have reviewed that plans, and all appropriate conditions of approval will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels.

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

The project has been reviewed by the Public Works Department, which has required various on-site and off-site improvements, including sidewalks, driveways, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

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

The project is located in an area with commercial. The proposed project is consistent with the surrounding area and compatible with the existing uses on the properties. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments.

6. 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 for building appearance, building placement, landscaping, and other amenities to attain an attractive environment. 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.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
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-040-2017.



# **EXHIBIT "A"**

**Site Plan No. SP-040-2017**

9972 Westminster Avenue

## **CONDITIONS OF APPROVAL**

### **General Conditions**

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

**Public Works Engineering Division**

6. 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 of 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.
7. A separate street permit is required for work performed within the public right-of-way.
8. Grading and Street Improvement plan shall be prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to thirty feet (30'-0") outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan.
9. The applicant shall be subject to Traffic Mitigation 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 amounts of said fees shall be calculated based on the City's current fee schedule in effect at the time of permit issuance.
10. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan (WQMP) that:
  - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural area.
  - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
  - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.

- d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
  - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
  - g. Provide notice by recordation of the plan with the County Recorder's Office to all future owners that said plan is bound in perpetuity to the property.
11. Prior to grading or building permit closeout and/or the issuance of a certificate of use or occupancy, the applicant shall:
- a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on site.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
  - e. File and record the plan with the County Recorder's Office and forward the recorded document to the City of Garden Grove Engineering Division.
12. All trash container areas shall meet the following requirements:
- 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 into the enclosure;
  - c. Provide a drain to a sanitary waste line. 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 enclosure(s) shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures;
  - g. Trash storage enclosures shall be constructed in accordance with City of Garden Grove Standard Plan B-502.
13. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per 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.
  14. Prior to issuance of a grading permit, the applicant shall design overhead parking lot and pathway lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the grading plan.
  15. The applicant shall construct the entrance to the development per City of Garden Grove Standard Plan B-120 with a conforming ADA landing and pathways where public and private sidewalks intersect. All designs must conform to latest ADA standards.
  16. No parallel curb parking shall be permitted anywhere on the site.
  17. Orange County Storm Water Program Manual requires all contractors to provide a dumpster on-site during construction unless an Encroachment Permit is obtained for placement on street.
  18. Any new or required block walls and/or retaining walls shall be shown on the grading plans with a minimum height of six feet (6'-0") from the highest finished grade unless approved for lower height by Planning Division. Cross sections shall be provided on the grading plan showing vertical and the horizontal relations of improvements and the property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
  19. The grading plan shall provide an accessibility routes from entries on the buildings to the public street for the ADA pathways in conformance with the requirements of the department of justice standards latest edition with a minimum allowable width of 48-inches.

20. Grading fees shall be calculated based on the current fee schedule at the of permit issuance.
21. Applicant shall coordinate the location of all new water meters to be replaced in sidewalk area on Brookhurst Street and Westminster Avenue with the Planning Division and the Water Services Division.
22. Any proposed new landscaping in public right of way shall be approved by the Planning Division.
23. Prior to issuance of a building permit, the applicant shall design and construct street frontage improvements as identified below:

Brookhurst Street

- a. Remove and replace the existing southerly driveway approach to the site in accordance with City of Garden Grove Standard Plan B-120. Standard Plan B-120 calls for a minimum width of thirty feet (30'-0") with any further deviation from the standard to be approved by the City Engineer and detailed on the plan showing all modifications.
- b. New 8-inch curb and gutter shall be constructed replacing the existing northerly driveway at fifty feet (50'-0") from the center line of Brookhurst Street according to City of Garden Grove Standard Plan B-113 (Type C-8).
- c. Remove the existing northerly driveway apron, curb/gutter on Brookhurst Street and construct new eight foot (8'-0") sidewalk adjacent to the street curb in accordance with City of Garden Grove Standard Plan B-106. Improvements are to meet and match existing public improvements to the immediate south of Brookhurst Street.
- d. Protect existing red light camera on sidewalk. Applicant and contractor to coordinate all the work near the red light camera with Reflex Traffic Systems management prior to demolition.

Westminster Avenue

- e. Remove and replace the existing driveway approach to the site in accordance with City of Garden Grove Standard Plan B-120.
- f. The new driveway approaches to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-120. Standard Plan B-120 calls for a minimum width of thirty feet (30'-0") with any further deviation from the standard to be approved by the City Engineer and detailed on the plan showing all modifications;

**Public Works Water Services Division**

24. New water service installations two inches (2") and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. New water services and meters three inches (3") and above shall be installed by the developer's contractor per current City Standards (2015) and inspected by the Water Engineering Inspector.
25. Fire services shall be installed by developer/owner's contractor per current City Standards (2015) and inspected by the Water Engineering inspector.
26. Fire service shall have above-ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
27. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
28. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
29. 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.
30. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
31. Applicant shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be six inches (6") min. dia., extra strength VCP with wedgelock joints.
32. Applicant shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

**Police Department**

33. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.

**Fire Department**

34. The applicant shall ensure that the project/building complies with all life safety matters, as required by the Fire Department, which include, but not limited to: fire sprinklers, fire alarm, maximum occupancy, and emergency lighting throughout the building.

**Community and Economic Development Department**

35. The approved site plan and floor plan are an integral part of the decision approving this Site Plan. There shall be no additional changes in the design of the site plan or floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).
- a. The uses (medical, retail, general office) occupying tenant space nos. 100, 101, 102, 200, 201, 202 shall be restricted to those uses proposed by the applicant, as shown on the submitted plans as part of the Project, and shall be as follows: Suite 100 (1,351 square feet) to be occupied by a "Medical, Dental and Related Health Service Support Facilities" use; Suite 101 (481 square feet) to be occupied by a retail "Prescription Pharmacy" use; Suite 102 (1,146 square feet) to be occupied by a "Medical, Dental and Related Health Service Support Facilities" (dental office) use; Suite 200 (1,358 square feet) to be occupied by a general office use; Suite 201 (825 square feet) to be occupied by a general office use; and Suite 202 (1,175 square feet) to be occupied by a general office use.
  - b. Should the City receive a proposal to change the use(s) of a tenant space(s), the applicant shall demonstrate compliance with all Municipal Code requirements, such as, but not limited to, parking standards, including any other requirements set forth in the California Building Code, and/or other related local, state, or federal requirements.
36. No outside display of merchandise shall be permitted at any time.
37. A prominent, permanent sign, stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES," shall be posted in a place that is clearly visible

- to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
38. Deliveries to or from the premises may be permitted 24 hours a day. However, in the event any issues are identified, relating to, but not limited to noise issues, which cause a nuisance to surrounding uses, the City may restrict deliveries to or from the premises between the hours of 10:00 p.m. and 8:00 a.m., seven days a week.
  39. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
  40. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
  41. 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.
  42. 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.
  43. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
  44. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
    - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).



- b. Sunday and Federal Holidays may work the same hours, but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
45. 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.
46. The applicant / property owner shall comply with the adopted City Noise Ordinance.
47. The building plans, including grading and development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.
48. As a part of the finalized working drawings for the Planning Division, Engineering Division and Building Division, the developer shall submit a detailed and dimensioned plot plan, floor plans, exterior elevations, and landscape plans that reflect the above conditions of approval. The plans shall indicate landscape materials, wall materials and building materials proposed for the project.
49. 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 Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or ground lighting system. Lighting in the common and parking areas shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences. Parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness.
50. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Division, for review and approval prior to submittal of plans for Building Division, Plan Check. The project shall also be subject to the following:
  - 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 Division.

- b. No roof or wall mounted mechanical equipment shall be permitted unless the Planning Division Services 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.
51. 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 comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code, including the City's Water Efficiency Guidelines, as well as recently adopted provisions by the State of California concerning drought tolerant landscape measures. Said plan shall include type, size, location and quality of all plant material. This includes enhanced landscaping for the walkway areas. The plan shall include an irrigation plan, and staking and planting specification. The landscape plan is subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided around each of these equipment/apparatus.
  - c. The applicant shall be responsible for the installation and maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to within the public right-of-way.
  - d. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. All proposed trees shall be non-fruit bearing, evergreen trees that require minimal maintenance.
  - e. No trees shall be planted closer than five feet (5') from the public right-of-way. Trees planted within fifteen feet (15') 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.

52. 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.
53. 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 owner, applicant and all agents thereof.
54. All driveway approaches shall be treated with decorative stamped concrete or interlocking pavers or other enhanced treatment, excluding scored and/or colored concrete. Color, pattern and material shall be approved by the Community and Economic Development Department, Planning Division, and shall be shown on the final site plan and the grading plan.
55. All on-site curbs, not associated with a parking space, shall be painted red.
56. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
  - a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
  - b. Property owners, tenants, employees, and business operators shall not store vehicles anywhere on the site.
  - c. The trash enclosure shall match the color and material type used for the block walls and shall be gated. The trash bins shall be kept inside the trash enclosure, and gates closed at all times except during disposal and pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site. The trash shall be picked up at least once per week.
  - d. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
57. The proposed development shall comply with all applicable provisions of the Garden Grove Local Implementation Plan (LIP), including but not limited to, providing a Water Quality Management Plan (WQMP) and Section 7 addressing reducing water run-off from the site (e.g., directing roof rain gutter's downspouts to permeable areas such as landscape planters).
58. The applicant shall work with the Planning Division 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 Division for review and approval.

59. A copy of the resolution approving Site Plan No. SP-040-2017, including these Conditions of Approval, shall be kept on the premises at all times.
60. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-040-2017, and his/her agreement with all conditions of the approval.
61. Building shall comply with California Building Standards Code.
62. 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-040-2017. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
63. 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.
64. 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-040-2017 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.3	<b>SITE LOCATION:</b> North side of Garden Grove Boulevard, east of Euclid Street at 11277 Garden Grove Boulevard, Suite Nos. 201 and 202
<b>HEARING DATE:</b> September 7, 2017	<b>GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NOS.:</b> Conditional Use Permit No. CUP-107-2017	<b>ZONE:</b> CC-3 (Civic Center Core)
<b>APPLICANT:</b> California Graduate School of Theology	<b>APN.:</b> 090-171-35
<b>PROPERTY OWNER:</b> KJ Investment Group, LLC	<b>CEQA DETERMINATION:</b> Exempt – 15301 Existing Facilities

**REQUEST:**

A request for Conditional Use Permit (CUP) approval to operate an adult private educational institution, California Graduate School of Theology, for a maximum of 17 employees/ instructors and 58 students, in an existing approximately 9,943 square foot tenant space, located at 11277 Garden Grove Boulevard, Suites 201 and 202.

**BACKGROUND:**

The subject property is approximately 1.85-acres in site area, improved with an existing two-story office building totaling approximately 24,000 square feet. The property is located on the north side of Garden Grove Boulevard, east of Euclid Street. The subject tenant space under application is an approximately 9,943 square foot space located on the second floor in Suite Nos. 201 and 202.

The property maintains a General Plan Land Use designation of Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The property abuts CC-3 (Civic Center Core) zoned properties to the north and west, CC-1 (Civic Center East) zoned property to the east, across Civic Center Drive, and CCSP-PR46 (Civic Center Specific Plan Peripheral Residential 46) zoned property to the south, across Garden Grove Boulevard.

In December of 2013, the applicant obtained only a City business license to conduct an adult private educational institution, California Graduate School of Theology, at

11277 Garden Grove Boulevard, Suites Nos. 201 and 202, without a conditional use permit.

Small-scale adult private educational businesses are typically permitted in the mixed use zones with the following restrictions: (i) a maximum of fifteen (15) students in the establishment at any one-time; and (ii) each student is allowed a maximum stay of four (4) hours in the establishment per day. An educational business which exceeds the maximum fifteen (15) student threshold is classified as an "educational institution" use, and requires the approval of a Conditional Use Permit. The Conditional Use Permit ensures that there are no negative impacts to surrounding uses from potential issues such as, but not limited to, parking, littering, and loitering.

An educational institution is a permitted use in the CC-3 zone, subject to the approval of a Conditional Use Permit. Thus, the applicant has submitted a request for Conditional Use Permit approval to allow the operation of an educational institution.

### **DISCUSSION:**

#### **CONDITIONAL USE PERMIT:**

The Municipal Code defines an "educational institution" use as a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education.

Per the applicant's submitted business proposal, California Graduate School of Theology will operate as an adult private educational institution, with a particular focus on preparing students for faithful ministry in Church and society. The hours of operation will be from 9:00 a.m. to 5:00 p.m., Monday through Friday. The staff will consist of a maximum of seventeen (17) full and part-time employees/instructors and up to a maximum of fifty-eight (58) students.

The floor plan of the subject 9,943 square foot tenant space, Suite Nos. 201 and 202 will be comprised of the following spaces: a front reception area, an admission office, records office, library, two (2) classrooms, a training/ conference room, a break room, president's office, seven (7) faculty offices, two (2) storage rooms, and a men's and a women's accessible restrooms.

#### **PARKING:**

An educational institution must provide a minimum of one (1) parking space per each employee, plus one (1) parking space for each three (3) student capacity. The applicant has represented that there will be seventeen (17) full and part-time

employees/ instructors and up to a maximum of fifty-eight (58) students in the establishment at any one time. Therefore, based on Code requirements, a total of thirty-seven (37) parking spaces, minimum, are required for the proposed educational institution.

In 2016, the property owner improved the parking area to ensure the minimum parking requirements for the medical use that is located on the first floor, requiring one (1) parking space per 170 square feet of gross floor area, and the subject educational use, along with future educational use, that are to be located on the second floor requiring one (1) parking space for every employee and one (1) parking space for every three (3) students. The previously number of parking stalls were 141, the new total number of parking spaces is 159, with 128 standard spaces, 25 compact spaces, and six (6) accessible parking spaces. The following is a required parking table for all the proposed uses:

SUITE NUMBER(S)	USE	SQUARE FEET	CODE PARKING RATIO	CODE REQUIRED PARKING
100	Medical	6380	1 per 170 sf	37.53
101	Medical	5826	1 per 170 sf	34.27
102	Medical	3563	1 per 170 sf	20.96
200 & 203	Educational	4416	1 per Employee 1 every 3 Students	12.00 7.00
201 & 202	Educational	9943	1 per Employee 1 every 3 Students	17.00 19.33
<b>TOTAL CODE REQUIRED PARKING SPACES</b>				<b>148.09 or 149</b>
<b>TOTAL CURRENT PARKING SPACES</b>				<b>159</b>
<b>TOTAL EXTRA PARKING SPACES</b>				<b>10</b>

Therefore, Staff finds there to be sufficient parking to accommodate the proposed educational institution, with no negative impacts to existing parking conditions. The conditions of approval for the subject project state that in the event there are any parking or traffic circulation issues caused by the subject proposed business, the applicant shall prepare a parking/ traffic mitigation plan to the satisfaction of the City.

Additionally, it should be noted that the maximum number of full and part-time employees/ instructors and students, within the establishment at any one-time, is further subject to the maximum occupancy allowed by the California Building Code. A condition of approval will limit the establishment to seventeen (17) full and part-time employees/ instructors and up to a maximum of fifty-eight (58) students, unless further limited by the maximum occupancy allowed by the California Building Code.

Based on the proposed adult private educational institution, California Graduate School of Theology is not expected to increase the parking demand beyond what a typical office use would generate. Staff finds that the proposed educational institution use is permissible and that there will be sufficient parking to support the integrated office development, based on:

- No increase in parking demand based on the existing and proposed uses;
- No other changes to the site, and
- No known complaints or issues regarding on-site parking.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal.


**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 5894-17 approving Conditional Use Permit No. CUP-107-2017, subject to the recommended conditions of approval.



Lee Marino  
Planning Services Manager



By: Paul Guerrero  
Senior Program Specialist





**GENERAL NOTES:**

CONTRACTOR & SUBCONTRACTOR SHALL VISIT THE SITE & THOROUGHLY FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS & BY SUBMITTING A BID. EACH CONTRACTOR & SUBCONTRACTOR ACCEPTS THE CONDITIONS UNDER WHICH HE/SHE WILL BE REQUIRED TO WORK.

THE CONTRACTOR SHALL CONFORM TO ALL REQUIREMENTS OF THE CITY OF GARDEN GROVE, STATE OF CALIFORNIA & FEDERAL INCLUDING BUT NOT LIMITED TO THE FOLLOWING CALIFORNIA ADMINISTRATIVE CODE.

**CODE INFORMATION COMPLIANCE AND LOCAL AMENDMENTS**

- TITLE 24 BUILDING STANDARDS
- 2014 CALIFORNIA COMMERCIAL CODE
- 2014 CALIFORNIA ELECTRICAL CODE
- 2014 CALIFORNIA MECHANICAL CODE
- 2014 CALIFORNIA PLUMBING CODE
- 2014 CALIFORNIA ENERGY CODE
- 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE

IN THE EVENT OF CONFLICT, THE MORE STRINGENT REQUIREMENTS SHALL APPLY.

ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS & THE ACTUAL SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.

THESE DRAWINGS MAY NOT BE TO SCALE AND ARE FOR ILLUSTRATION PURPOSES ONLY. THE CONTRACTOR IS REQUIRED TO VERIFY DIMENSIONS AND CONDITIONS IN THE FIELD. EACH CONTRACTOR & CONDITION IN THE FIELD, EACH SUBCONTRACTOR SHALL ALSO MAKE & SHALL BE RESPONSIBLE FOR THEIR ACCURACY.

DIMENSIONS TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS, SECTIONS & DETAILS.

CONTRACTOR SHALL PROVIDE SANITARY FACILITIES DURING CONSTRUCTION.

OPENINGS SHALL NOT BE PLACED IN BEAMS, JOIST, COLUMNS, BEARING WALLS, UNLESS SPECIFICALLY DETAILED OR NOTED ON THE STRUCTURAL DRAWINGS. BEFORE PROCEEDING WITH THE WORK, THE CONTRACTOR SHALL NOTIFY THE ENGINEER WHEN DRAWINGS BY OTHERS SHOW OR REQUIRED SUCH OPENINGS, CHASES, ETC.

THE CONTRACTOR SHALL REMOVE FROM THE SITE ALL TRASH, WASTE, RUBBISH & DEBRIS RESULTING FROM HIS/HER WORK AND/OR OPERATION.

MATERIALS DELIVERED TO THE CONSTRUCTION SITE SHALL BE PROTECTED FROM RAIN OR OTHER SOURCES OF MOISTURE.

**CONSULTANTS:**

STRUCTURAL ENGINEER:  
MANUEL A. ESPINO  
12109 WOODRUFF AVE. DOWNEY, CA 90241  
(323) 379-6216  
(562) 622-6927

**OFFICE BUILDING CUP**

**(E) BUILDING AREA ANALYSIS**

**EDUCATIONAL INSTITUTION: 9,943 SQ. FT.**

**SUITE NOS.: 201 AND 202**

**SCOPE OF WORK**

2ND FLOOR TO COMPLY WITH CITY REQUIREMENTS

(10'-0" HEIGHT) PARTITION WALLS FLOOR TO T BEAM

**SCOPE OF WORK DESCRIPTION**

- CLASS ROOM TO BE RESIZE TO COMPLY WITH LESS 50 OCCUPANCY LOAD
- EXISTING TRAINING CONFERENCE ROOM DOORS TO BE REPLACED BY EMERGENCY 1507 SWINGING DOORS
- EXISTING STORAGE AREA TO BE CONVERTED IN TO NEW OFFICES
- EXISTING RESTROOMS TO BE UPGRADE PER ADA (HANDY CAP ACCESSIBLE)

**NOTE**

- ALL WORK TO BE DONE ONLY 11277 GARDEN GROVE BLVD (SECOND FLOOR)
- ALL WORK TO BE INTERIOR AND NEED TO COMPLY WITH CALIFORNIA COMMERCIAL BUILDING CODE AND CITY ORANGE GROVE STANDARDS CONSTRUCTION VALUATION: \$30,000

**INDEX**

- T1 TITLE SHEET
- A 1 EXISTING SITE & 2ND FLOOR PLAN
- A 2 NEW 2ND FLOOR PLAN
- ADA 1 UNADAPTED ACCESSIBILITY STANDARDS

"I certify that the primary path of travel to the specific area of alteration, structural repair or addition from the public way or accessible parking space as indicated on the plans does not include steps or a slope exceeding 1:20 except where access is provided by a ramp with 1:12 maximum slope, accessible elevator or otherwise granted by an unrescuable hardship exemption. I understand that if the primary path of travel is found not to be as indicated, significant delays may result.

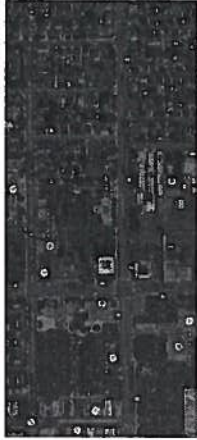
Furthermore, I certify that these plans were prepared under my direct supervision and that the area of specific alteration, structural repair or addition, including a primary entrance to the existing building and, when applicable, sanitation facilities, drinking fountains, signs and public telephones serving the area complies with current CA Title 24 Accessibility requirements."

Signature \_\_\_\_\_ Title \_\_\_\_\_  
Print Name \_\_\_\_\_ Date \_\_\_\_\_

**PROJECT SITE INFO:**

11277 GARDEN GROVE BLVD PAVEN # 080 171 35  
4202 GARDEN GROVE, CA 92843  
ZONING C23  
EXISTING TWO STORY BUILDING  
TYPE V-B CONSTRUCTION  
OCCUPANCY:  
USE 1  
100%  
LOT 35  
FIRE SPRINKLERS: NO  
FIRE ALARM: NO  
2 STORY BUILDING

**VICINITY MAP :**



**ABBREVIATIONS :**

- E = EXISTING
- N = NEW
- R = REMODEL
- RE = RELOCATED
- QTY = QUANTITY
- SYM = SYMBOL
- 50 FT. = SQUARE FEET
- IN. = INCHES
- ⊗ = DETAIL REFERENCE
- ⊙ = SHEET NUMBER
- ⊖ = SCHEDULE REFERENCE
- N/A = NO APPLICABLE
- GAS METER
- ELECTRICAL METER
- WATER METER
- PROPERTY LINE
- STREET CENTER LINE
- EXISTING WALL
- 24" RATING WALL
- NEW WOOD FRAME WALLS W/STUBS @ 3.5" O/C, 5/8" DRYWALL @ INTERIOR AND 7/8" @ EXTERIOR
- OPENING
- CABINETS
- DEMO WALLS

**M. D.**  
your ideas. it's all we will make it true.

12323 Telegraph Rd. Los Angeles, CA 90025  
Tel: (800) 978-8278



DATE	8/20/17, 3:30:21 PM
EXCISE	
1	
2	
3	
4	
5	
6	
7	

OWNER: K1 Investments Group LLC  
C/O: 12345 Main St  
ADDRESS: 8523 W. 9th St #200 Los Angeles, CA 90027  
ASSESSOR #: 090-171-95  
BUILDING CUP

JOB ADDRESS: 11277 GARDEN GROVE BLVD  
GARDEN GROVE, CA 92843  
PROJECT INFORMATION

JOB NO 17.014  
DRAWN BY: LR  
DATE: Jun 2017  
SHEETS: 1/1



**PLUMBING FIXTURE FLOW RATES**

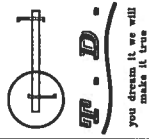
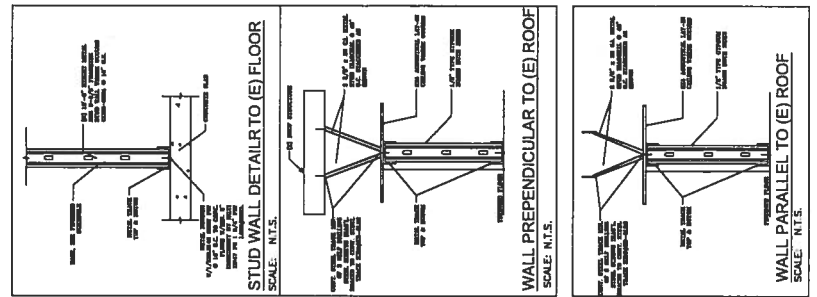
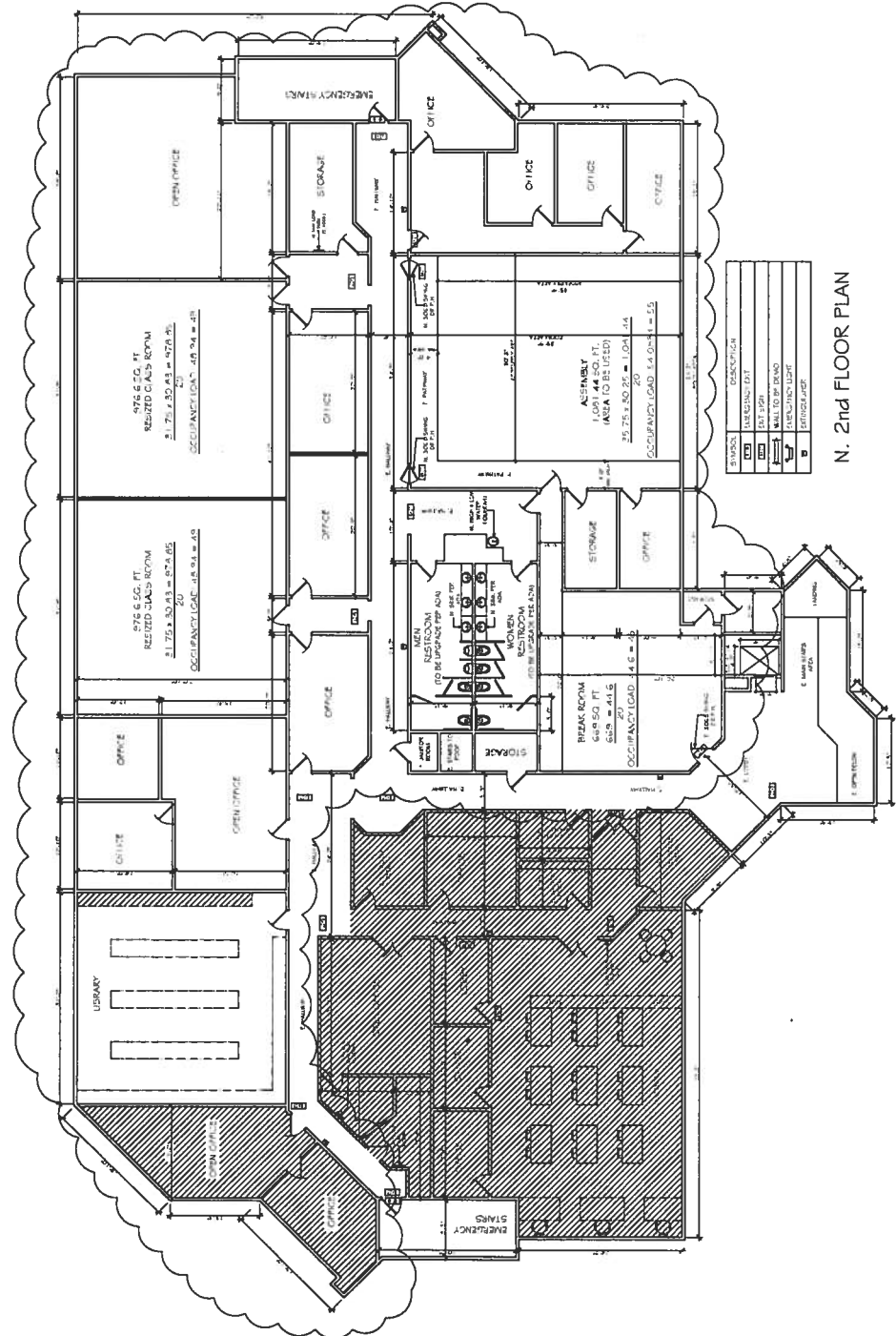
FIXTURE TYPE	MAXIMUM FLOW RATE AT ± 20 PERCENT REDUCTION <sup>1</sup>
Showers/baths	2 gpm @ 80 psi
Lavatory fountains - residential	1.5 gpm @ 80 psi
Lavatory fountains - non-residential <sup>2</sup>	0.4 gpm @ 80 psi <sup>3</sup>
Kitchen fountains	1.0 gpm @ 80 psi <sup>3</sup>
Gravity tank type water closets	1.20 gpm/flush <sup>4</sup>
Flushometer tank water closets	1.20 gpm/flush <sup>4</sup>
Flushometer valve water closets	1.20 gpm/flush <sup>4</sup>
Urinals	0.125 gpm/flush

<sup>1</sup> Lavatory fountains shall have a flow rate of 1.5 gpm at 80 psi, but not above 2.5 gpm @ 80 psi and shall be reduced to a maximum flow rate of 1.0 gpm @ 80 psi.  
<sup>2</sup> Lavatory fountains shall have a flow rate of 1.5 gpm at 80 psi, but not above 2.5 gpm @ 80 psi and shall be reduced to a maximum flow rate of 0.5 gpm @ 80 psi.  
<sup>3</sup> The maximum flow rate for kitchen fountains shall be 1.0 gpm at 80 psi.  
<sup>4</sup> The maximum flow rate for gravity tank type water closets shall be 1.20 gpm/flush. The maximum flow rate for flushometer tank water closets shall be 1.20 gpm/flush. The maximum flow rate for flushometer valve water closets shall be 1.20 gpm/flush. The maximum flow rate for urinals shall be 0.125 gpm/flush. These maximum flow rates shall be based on a water pressure of 80 psi and a water temperature of 60°F. These maximum flow rates shall be based on a water pressure of 80 psi and a water temperature of 60°F. These maximum flow rates shall be based on a water pressure of 80 psi and a water temperature of 60°F.

**TABLE 602.2**

**FIXTURE FLOW RATES**

FIXTURE TYPE	MAXIMUM ALLOWABLE FLOW RATE
Showers/baths	2 gpm @ 80psi
Lavatory fountains - residential	1.5 gpm @ 80 psi
Gravity tank type water closets	1.20 gpm/flush <sup>4</sup>
Flushometer tank water closets	1.20 gpm/flush <sup>4</sup>
Flushometer valve water closets	1.20 gpm/flush <sup>4</sup>
Urinals	0.125 gpm/flush



6223 Telegraph Rd., Los Angeles, CA 90022  
 Tel: (818) 778-8825  
 Fax: (818) 778-8274



DATE: 05/07/17 3:51 PM  
 PROJECT: 17200000  
 SHEET: 1  
 TOTAL SHEETS: 1

ASSESSOR #: 090 - 171 - 35  
 BUILDING CUP  
 ONEK C Interiors Group LLC  
 5000 Oak Grove Blvd, Suite 200  
 Los Angeles, CA 90045

REMODELED FLOOR PLAN  
 SCALE: 1/8" = 1'-0"  
 JOB ADDRESS: 1127 GARDEN GROVE BLVD  
 GARDEN GROVE, CA 92643

JOB NO: 17 014  
 DRAWN BY: I.R.  
 DATE: Jun. 2017

A-2

RESOLUTION NO. 5894-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-107-2017 FOR PROPERTY LOCATED AT 11277 GARDEN GROVE BOULEVARD, SUITE NOS. 201 AND 202, ASSESSOR'S PARCEL NO. 090-171-35.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove in a regular session assembled on September 7, 2017, hereby approves Conditional Use Permit No. CUP-107-2017 to permit operation of an education institution for a property located on the north side of Garden Grove Boulevard, east of Euclid Street, at 11277 Garden Grove Boulevard, Assessor's Parcel No. 090-171-35.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-107-2017, the Planning Commission of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by California Graduate School of Theology.
2. The applicant is requesting Conditional Use Permit approval to allow the operation an adult private educational institution, California Graduate School of Theology, for seventeen (17) full/ part-time employees/ instructors and up to a maximum of fifty-eight (58) students, in an existing approximately 9,943 square foot tenant space, located at 11277 Garden Grove Boulevard, Suite Nos. 201 and 202.
3. The project is not subject to the California Environmental Quality Act ("CEQA") (Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15301 – Existing Facilities of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.).
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The subject property for the proposed adult private educational institution is improved with an existing two-story office building.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 7, 2017, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of September 7, 2017, and

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

FACTS:

The subject property is zoned CC-3 (Civic Center Core), and has a General Plan Land Use Designation of Civic Center Mixed Use. The property abuts CC-3 (Civic Center Core) zoned properties to the north and west, CC-1 (Civic Center East) zoned property to the east, across Civic Center Drive, and CCSP-PR46 (Civic Center Specific Plan Peripheral Residential 46) zoned property to the south, across Garden Grove Boulevard.

In December of 2013, the applicant obtained only a City business license to conduct an adult private educational institution, California Graduate School of Theology, at 11277 Garden Grove Boulevard, Suite Nos. 201 and 202, without a conditional use permit.

Small-scale educational businesses are typically permitted in the mixed use zones with the following restrictions: (i) a maximum of fifteen (15) students in the establishment at any one time; and (ii) each student is allowed a maximum stay of four (4) hours in the establishment per day. An educational business which exceeds the maximum fifteen (15) student threshold classifies as an "educational institution" use, and requires the approval of a Conditional Use Permit. The Conditional Use Permit ensures there are no negative impacts to surroundings uses from potential issues such as, but not limited to, parking, littering, and loitering.

An educational institution is a permitted use in the CC-3 zone, subject to the approval of a Conditional Use Permit. Thus, the applicant has submitted a request for Conditional Use Permit approval to allow the operation of an educational institution.

The Municipal Code defines an "educational institution" use as a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education.

Per the applicant's submitted business proposal, California Graduate School of Theology will operate as an adult private educational institution, with a particular focus on preparing students for faithful ministry in Church and society. Typical hours of operation will be from 9:00 a.m. to 5:00 p.m., Monday through Friday. The staff will consist of seventeen (17) full and part-time employees/ instructors and up to a maximum of fifty-eight (58) students.



The Community and Economic Development Department has reviewed the request and is in support of the proposal. All standard conditions of approval for a private enterprise education institution business will apply.

**FINDINGS AND REASONS:**

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

The subject site has a General Plan Land Use Designation of Civic Center Mixed Use, which is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. Policy LU-IMP-10A of the General Plan Land Use Element seeks to link the City Hall with other civic or institutional uses across Acacia Parkway so that the centrality of government services is retained in the Civic Center area. Policy LU-IMP-10D of the General Plan Land Use Element seeks to maximize the opportunities offered by higher educational institutions to be located in the Civic Center area.

Educational institutions with more than 15 students are a conditionally permitted educational institution use in the CC-3 (Civic Center Core). Granting of the requested Conditional Use Permit will be consistent with the General Plan because the proposed educational institution is a commercial use of the type permitted within the Civic Center Mixed Use land use area, the use will meet the needs of the area's clientele, and the use will enable an existing Garden Grove business to remain in the City.

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

The proposed educational institution will operate from 9:00 a.m. to 5:00 p.m., Monday through Friday, and there is more than sufficient parking to accommodate the use at the proposed location. All standard conditions of approval for educational institution will apply and will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

3. That the proposed property 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 proposed adult private educational institution will be located in an approximately 9,943 square foot tenant space within an existing office building. The proposed request will require the applicant to modify the vanity tops in the second floor men’s and women’s restrooms to be accessible, to install an accessible drinking fountain in the common hallway, and to modify the first floor front entry that leads directly to the second floor to be accessible.

The subject property for the existing tenant space is improved with an office building with 159 parking spaces. The previously number of parking stalls were 141 spaces. Title 9 of the City’s Municipal Code parks educational institution uses at a rate of one (1) parking space for every employee and one (1) parking space for every three (3) students. Based on this rate and the applicant’s business plan, a total of thirty-seven (37) parking spaces, minimum, are required for the proposed educational institution. The following is a required parking table for all the proposed uses:

SUITE NUMBER(S)	USE	SQUARE FEET	CODE PARKING RATIO	CODE REQUIRED PARKING
100	Medical	6380	1 per 170 sf	37.53
101	Medical	5826	1 per 170 sf	34.27
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200 & 203	Educational	4416	1 per Employee 1 every 3 Students	12.00 7.00
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<b>TOTAL CODE REQUIRED PARKING SPACES</b>				<b>148.09 or 149</b>
<b>TOTAL CURRENT PARKING SPACES</b>				<b>159</b>
<b>TOTAL EXTRA PARKING SPACES</b>				<b>10</b>

Therefore, Staff finds there to be sufficient parking to accommodate the proposed educational institution, with no negative impacts to existing parking conditions. The conditions of approval for the subject project state that in the event there are any parking or traffic circulation issues caused by the subject proposed business, the applicant shall prepare a parking/ traffic mitigation plan to the satisfaction of the City.

Thus, the site, with the existing site improvements, is of adequate size and shape to accommodate the proposed educational institution, and no additional



modifications are necessary to integrate the adult private educational institution with other uses within the surrounding area.

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 three (3) main driveways. One (1) driveway is located on Garden Grove Boulevard, providing both ingress and egress, and two (2) driveways are located on Civic Center Drive providing both ingress and egress. The site is also adequately served by the public service facilities required, such as gas, electric, water, and sewer facilities.

#### INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Conditional Use Permit No. CUP-107-2017 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-107-2017.

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-107-2017**

11277 Garden Grove Boulevard, Suite Nos. 201 and 202

#### **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 (the "Applicant") shall mean and refer to the project applicant, California Graduate School of Theology, 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 and subsequent Owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 9,943 square foot adult private educational institution 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. Provide occupancy breakdown per room that will determine exiting requirements pursuant to the current California Fire Code Standards.
8. Provide emergency lighting throughout the building pursuant to the current California Fire Code Standards.

**Police Department**

9. There shall be no students in or about the premises when the establishment is closed.
10. 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 GGMA 1.22.010(a) in addition to other penalties provided by law.

**Building Services Division**

11. The Property Owner and/or Applicant shall modify the vanity tops in the second floor men's and women's restrooms to be accessible, install an accessible drinking fountain in the common hallway, and modify the first floor front entry that leads directly to the second floor to be accessible pursuant to the current California Building Code Standards.
12. Any building modifications shall comply with all provisions to the California Building Code Standards, City adopted amendments and California Plumbing and Electrical Code.

**Community and Economic Development Department**

13. This approval shall allow the operation of an adult private educational institution. 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.

14. The adult private educational institution shall be permitted and licensed for a maximum occupancy of seventeen (17) full and part-time employees/instructors and up to a maximum of fifty-eight (58) students in the establishment at any one time.
15. The use shall meet all requirements of the California Building Standards Code for "B" occupancy. Should there be a change of occupancy, the Applicant shall submit plans prepared by a licensed architect to the Building Division for review and approval.
16. The permitted hours of operation for the adult private educational institution shall be from 9:00 a.m. to 5:00 p.m., Monday through Friday. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
17. All activities associated with the adult private educational institution shall be conducted within the fully enclosed building.
18. At no time shall the establishment operate as other than its intended use as an adult private educational facility as permitted by this Conditional Use Permit. Use of the establishment for other types of assembly uses, including, without limitation, as a church or religious facility, is not permitted.
19. Based on the Applicant's representation that there will be a maximum of seventeen (17) full and part-time employees/instructors and up to fifty-eight (58) students, a total of thirty-seven (37) on-site parking spaces shall be available on the property for the operation of the private adult educational institution. The parking spaces shall be available at all times for employee(s) and client parking.
20. In the event the site cannot accommodate the parking demand for the proposed adult private educational use, at any given time, which causes a nuisance, 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 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; staggering class times; instituting an off-site parking arrangement; having on-site parking control personnel; 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 Conditional Use Permit No. CUP-107-2017.

21. There shall be no smoking permitted inside the licensed business at any time pursuant to State Labor Code Section 6404.5 (ref: State Law AB 13).
22. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee and the public. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background.
23. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
24. No outside storage or displays shall be permitted at any time.
25. The Applicant and Property Owner shall be responsible for maintaining the premises free from debris and litter. Litter shall be removed daily from the licensed premises, including adjacent to the licensed premises, public sidewalks, and from all parking areas under the control of the Applicant or Property Owner. These areas shall be swept or cleaned continuously, either mechanically or manually, on a weekly basis, to maintain the said area in a clean and orderly condition.
26. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least once per week. However, if additional pick-ups are needed to accommodate the uses on the site, the Property Owner shall increase the number of pick-ups as required.
27. The Applicant and Property Owner shall be responsible for maintaining the licensed premises, including the parking lot, landscaped area, walkways, and paved surfaces, free from graffiti, debris, and litter. Graffiti shall be removed from the project site and all parking lots under the control of the Applicant within 120 hours of notification.
28. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any

- roof-mounted mechanical equipment from view of public streets and surrounding properties.
29. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
  30. All ground-mounted mechanical equipment shall be screened from view from any place on or off the site.
  31. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
  32. All signs shall comply with the City of Garden Grove sign requirements. No more than fifteen percent (15%) of the total window area and clear doors shall bear advertising or signs of any sort. Any opaque material applied to the store front, such as on a window, shall count toward the maximum window coverage area. Any modifications to existing signs or the installation of new signs, ground or wall signs, shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
  33. 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.
  34. The Applicant and Property Owner shall be responsible for all parking lot areas of the licensed premises and ensure that the provided lighting be of sufficient power and in working order to illuminate and make easily discernible the appearance and conduct of all persons on or about all parking lot areas.
  35. All lighting in the parking lot areas of the licensed premises shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences.
  36. All parking lot light standard poles and heads designated to the licensed premises shall be painted and maintained.
  37. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by the approval of Conditional Use Permit No. CUP-107-2017.

Conditional Use Permit No. CUP-107-2017  
Conditions of Approval

38. A copy of the Resolution approving Conditional Use Permit No. CUP-107-2017 shall be kept on the licensed premises at all times and be made available upon request by City Staff and/or Police Department.
39. The Applicant shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-107-2017, and his/her agreement with all conditions of the approval.
40. The Conditional Use Permit shall be reviewed within one (1) year from the date of this approval. On a yearly basis, as determined by Staff, the business operator shall meet with members of the Planning Division and Police Department to discuss operating conditions of the business and to determine if the business is operating in compliance with the Conditions of Approval.
41. The Applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-107-2017. 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.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.4	<b>SITE LOCATION:</b> North side of Garden Grove Boulevard, east of Euclid Street at 11277 Garden Grove Boulevard, Suite Nos. 200 and 203.
<b>HEARING DATE:</b> September 7, 2017	<b>GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NOS.:</b> Conditional Use Permit No. CUP-108-2017	<b>ZONE:</b> CC-3 (Civic Center Core)
<b>APPLICANT:</b> Chanh Nguyen	<b>APN.:</b> 090-171-35
<b>PROPERTY OWNER:</b> KJ Investment Group, LLC	<b>CEQA DETERMINATION:</b> Exempt – 15301 Existing Facilities

**REQUEST:**

A request for Conditional Use Permit (CUP) approval to operate an adult private educational institution, American Heritage College, for a maximum of 12 employees/ instructors and 21 students, in an existing approximately 4,416 square foot tenant space, located at 11277 Garden Grove Boulevard, Suite Nos. 200 and 203.

**BACKGROUND:**

The subject property is approximately 1.85-acres in site area, improved with an existing two-story office building totaling approximately 24,000 square feet. The property is located on the north side of Garden Grove Boulevard, east of Euclid Street. The subject tenant space under application is an approximately 4,416 square foot space located on the second floor in Suite Nos. 200 and 203.

The property maintains a General Plan Land Use designation of Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The property abuts CC-3 (Civic Center Core) zoned properties to the north and west, CC-1 (Civic Center East) zoned property to the east, across Civic Center Drive, and CCSP-PR46 (Civic Center Specific Plan Peripheral Residential 46) zoned property to the south, across Garden Grove Boulevard.

Small-scale adult private educational businesses are typically permitted in the mixed use zones with the following restrictions: (i) a maximum of fifteen (15) students in the establishment at any one time; and (ii) each student is allowed a



CASE NO. CUP-108-2017

maximum stay of four (4) hours in the establishment per day. An educational business which exceeds the maximum fifteen (15) student threshold is classified as an "educational institution" use, and requires the approval of a Conditional Use Permit. The Conditional Use Permit ensures that there are no negative impacts to surrounding uses from potential issues such as, but not limited to, parking, littering, and loitering.

An educational institution is a permitted use in the CC-3 zone, subject to the approval of a Conditional Use Permit. Thus, the applicant has submitted a request for Conditional Use Permit approval to allow the operation of an educational institution.

### **DISCUSSION:**

#### **CONDITIONAL USE PERMIT:**

The Municipal Code defines an "educational institution" use as a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education.

Per the applicant's submitted business proposal, American Heritage College will operate as an adult private educational institution, with a particular focus on preparing professionals with a practicable, accessible skills-enhancing program. The hours of operation will be from 9:00 a.m. to 9:00 p.m., Monday through Friday. The class sessions will be between 9:00 a.m. to 2:00 p.m. and 6:00 p.m. to 9:00 p.m. The staff will consist of a maximum of twelve (12) full-time employees/instructors and up to a maximum of twenty-one (21) students.

The floor plan of the subject 4,416 square foot tenant space, Suite Nos. 200 and 203, will be comprised of the following spaces: a front reception area, one (1) classroom, seven (7) offices, two (2) storage rooms, one (1) information technology room, one (1) electrical room, one (1) janitorial room, and a men's and a women's accessible restrooms.

#### **PARKING:**

An educational institution must provide a minimum of one (1) parking space per each employee, plus one (1) parking space for each three (3) student capacity. The applicant has represented that there will be twelve (12) full-time employees/instructors and up to a maximum of twenty-one (21) students in the establishment at any one time. Therefore, based on Code requirements, a total of nineteen (19) parking spaces, minimum, are required for the proposed educational institution.

In 2016, the property owner improved the parking area to ensure the minimum parking requirements for the medical use that is located on the first floor, requiring one (1) parking space per 170 square feet of gross floor area, the subject educational use, along with a future educational use, that are to be located on the second floor requiring one (1) parking space for every employee and one (1) parking space for every three (3) students. The previously number of parking stalls were 141, the new total number of parking spaces is 159, with 128 standard spaces, 25 compact spaces, and six (6) accessible parking spaces. The following is a required parking table for all the proposed uses:

SUITE NUMBER(S)	USE	SQUARE FEET	CODE PARKING RATIO	CODE REQUIRED PARKING
100	Medical	6380	1 per 170 sf	37.53
101	Medical	5826	1 per 170 sf	34.27
102	Medical	3563	1 per 170 sf	20.96
200 & 203	Educational	4416	1 per Employee 1 every 3 Students	12.00 7.00
201 & 202	Educational	9943	1 per Employee 1 every 3 Students	17.00 19.33
<b>TOTAL CODE REQUIRED PARKING SPACES</b>				<b>148.09 or 149</b>
<b>TOTAL CURRENT PARKING SPACES</b>				<b>159</b>
<b>TOTAL EXTRA PARKING SPACES</b>				<b>10</b>

Therefore, Staff finds there to be sufficient parking to accommodate the proposed educational institution, with no negative impacts to existing parking conditions. The conditions of approval for the subject project state that in the event there are any parking or traffic circulation issues caused by the subject proposed business, the applicant shall prepare a parking/ traffic mitigation plan to the satisfaction of the City.

Additionally, it should be noted that the maximum number of full-time employees/ instructors and students, within the establishment at any one-time, is further subject to the maximum occupancy allowed by the California Building Code. A condition of approval will limit the establishment to twelve (12) full-time employees/ instructors and up to a maximum of twenty-one (21) students, unless further limited by the maximum occupancy allowed by the California Building Code.

Based on the proposed adult private educational institution, American Heritage College, is not expected to increase the parking demand beyond what a typical office use would generate. Staff finds that the proposed educational institution use is permissible and that there will be sufficient parking to support the integrated office development, based on:

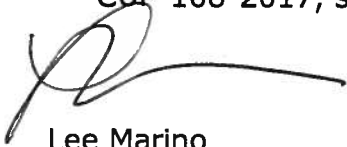
- No increase in parking demand based on the existing and proposed uses;
- No other changes to the site, and
- No known complaints or issues regarding on-site parking.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

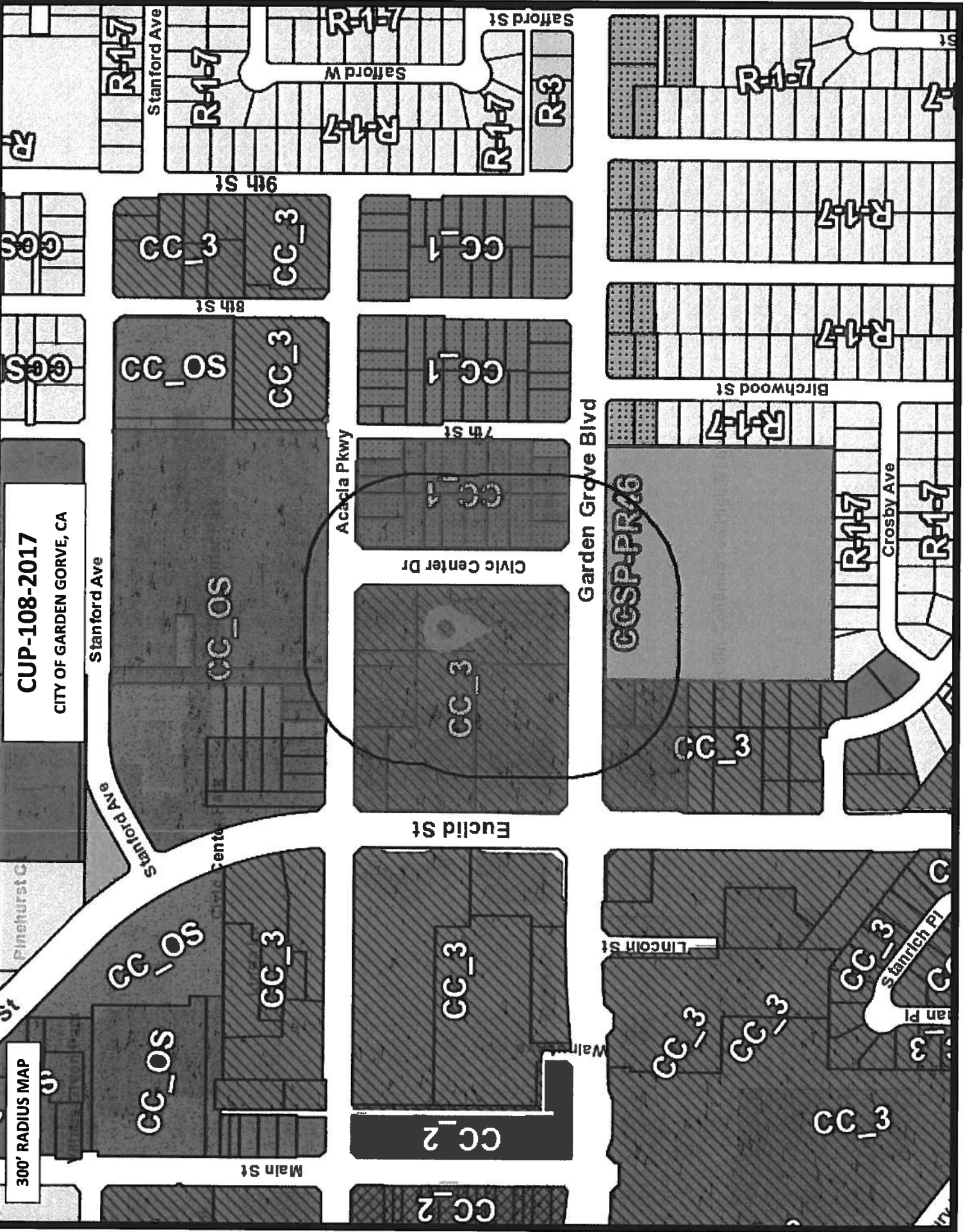
1. Adopt Resolution No. 5895-17 approving Conditional Use Permit No. CUP-108-2017, subject to the recommended conditions of approval.



Lee Marino  
Planning Services Manager



By: Paul Guerrero  
Senior Program Specialist



**CUP-108-2017**  
CITY OF GARDEN GROVE, CA

300' RADIUS MAP

Stanford Ave

Stanford Ave

R-1-7

R-1-7

R-1-7

R-1-7

R-1-7

R-3

CC\_3

CC\_3

CC\_1

SO\_CC

CC\_3

CC\_1

CC\_1

Civic Center Dr

CC\_3

CCSP-PR/6

CC\_3

R-1-7

R-1-7

R-1-7

R-1-7

R-1-7

R-1-7

CC\_OS

CC\_3

CC\_2

CC\_3

Lincoln St

CC\_3

CC\_3

CC\_3

CC\_3

CC\_OS

Main St

CC\_2

Crosby Ave

Stanrich Pl

Stan Pl

CC\_3

CC\_3

9th St

8th St

7th St

Euclid St

Main St

Safford St

Safford W

St

Birchwood St

-7

**GENERAL NOTES:**

CONTRACTOR & SUBCONTRACTOR SHALL VISIT THE SITE & THOROUGHLY FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS & BY SUBMITTING A BID, EACH CONTRACTOR & SUBCONTRACTOR ACCEPTS THE CONDITIONS UNDER WHICH HE/SHE WILL BE REQUIRED TO WORK.

THE CONTRACTOR SHALL CONFORM TO ALL REQUIREMENTS OF THE CITY OF GARDEN GROVE, STATE OF CALIFORNIA & FEDERAL INCLUDING BUT NOT LIMITED TO THE FOLLOWING CALIFORNIA ADMINISTRATIVE CODE.

**CODE INFORMATION COMPLIANCE AND LOCAL AMENDMENTS**

- TITLE 24 BUILDING STANDARDS
- 2014 CALIFORNIA COMMERCIAL CODE
- 2014 CALIFORNIA CIVIL CODE
- 2014 CALIFORNIA MECHANICAL CODE
- 2014 CALIFORNIA PLUMBING CODE
- 2014 CALIFORNIA ENERGY CODE
- 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE

IN THE EVENT OF CONFLICT, THE MORE STRINGENT REQUIREMENTS SHALL APPLY.

ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS & THE ACTUAL SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.

THESE DRAWINGS MAY NOT BE TO SCALE AND ARE FOR ILLUSTRATION PURPOSES ONLY. THE CONTRACTOR IS REQUIRED TO VERIFY DIMENSIONS AND CONDITIONS IN THE FIELD. EACH CONTRACTOR & CONDITION IN THE FIELD, EACH SUBCONTRACTOR SHALL ALSO MAKE & SHALL BE RESPONSIBLE FOR THEIR ACCURACY.

DIMENSIONS TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS SECTIONS & DETAILS.

CONTRACTOR SHALL PROVIDE SANITARY FACILITIES DURING CONSTRUCTION.

OPENINGS SHALL NOT BE PLACED IN BEAMS, JOIST, COLUMNS, BEARING WALLS, UNLESS SPECIFICALLY DETAILED OR NOTED ON THE STRUCTURAL DRAWINGS. BEFORE PROCEEDING WITH THE WORK, THE CONTRACTOR SHALL NOTIFY THE ENGINEER WHEN DRAWINGS BY OTHERS SHOW OR REQUIRED SUCH OPENINGS, CHASES, ETC.

THE CONTRACTOR SHALL REMOVE FROM THE SITE ALL TRASH, WASTE, RUBBISH & DEBRIS RESULTING FROM HIS/HER WORK AND/OR OPERATION.

MATERIALS DELIVERED TO THE CONSTRUCTION SITE SHALL BE PROTECTED FROM RAIN OR OTHER SOURCES OF MOISTURE.

**CONSULTANTS:**

STRUCTURAL ENGINEER:

MANUEL A. ESPINO  
12109 WOODRUFF AVE. DOWNEY, CA 90241  
(323) 379 - 6216  
(562) 622 - 6927

**OFFICE BUILDING CUP**

**(E) BUILDING AREA ANALYSIS**

**EDUCATIONAL INSTITUTION: 4,416 SQ. FT.**  
**SUITE NOS: 200 AND 203**

**SCOPE OF WORK**

2ND FLOOR TO COMPLY WITH CITY REQUIREMENTS

10' 0" HEIGHT PARTITION WALLS FLOOR TO T BAR

**SCOPE OF WORK DESCRIPTION**

- CLASS ROOM TO BE RESIZE TO COMPLY WITH LESS 50 OCCUPANCY LOAD
- EXISTING TRAINING CONFERENCE ROOM DOORS TO BE REPLACED BY EMERGENCY 180° SWING DOORS
- EXISTING STORAGE AREA TO BE CONVERTED IN TO NEW OFFICES
- EXISTING RESTROOMS TO BE UPGRADE PER ADA (MANDATORY GAP ACCESSIBLE)

**NOTE**

- ALL WORK TO BE DONE ONLY 11277 GARDEN GROVE BLVD (SECOND FLOOR)
- ALL WORK TO BE INTERLOCK AND TIED TO COUNTY WITH CALIFORNIA COMMERCIAL BUILDING CODE AND CITY ORANGE GROVE STANDARDS CONSTRUCTION VALUATION. \$30,000

**INDEX**

- T1 TITLE SHEET
- A 1 EXISTING SITE & 2ND FLOOR PLAN
- A 2 NEW 2ND FLOOR PLAN
- ADA 1 HANDICAPPED ACCESSIBILITY STANDARDS

"I certify that the primary path of travel to the specific area of alteration, structural repair or addition from the public way or accessible parking space as indicated on the plans does not include steps or a slope exceeding 1:20 except where access is provided by a ramp with 1:12 maximum slope, accessible elevator or otherwise granted by an unrescuable hardship exemption. I understand that if the primary path of travel is found not to be as indicated, significant delays may result.

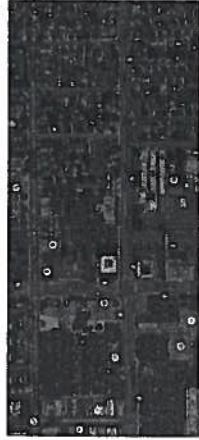
Furthermore, I certify that these plans were prepared under my direct supervision and that the area of specific alteration, structural repair or addition, including a primary entrance to the existing building and, when applicable, sanitation facilities, drinking fountains, signs and public telephones serving the area complies with current CA Title 24 Accessibility requirements."

Signature \_\_\_\_\_ Title \_\_\_\_\_  
Print Name \_\_\_\_\_ Date \_\_\_\_\_

**PROJECT SITE INFO:**

11277 GARDEN GROVE BLVD  
#202 GARDEN GROVE, CA  
92843  
PARCEL # 090 171 35  
ZONING: C-3  
EXISTING TWO STORY BUILDING  
TYPE V-B CONSTRUCTION  
OCCUPANCY  
USE: .  
TRACK  
LOT: 35  
FIRE SPRINKLERS: NO  
FIRE ALARM: NO  
3 STORY BUILDING

**VICINITY MAP:**



**ABBREVIATIONS:**

- E - EXISTING
- N - NEW
- R - REMODEL
- RE - RE LOCATED
- QTY - QUANTITY
- SYM - SYMBOL
- 50 FT. - SQUARE FEET
- IN - INCHES
- (X) - DETAIL REFERENCE SHEET NUMBER
- (O) - SCHEDULE REFERENCE
- N/A - NO APPLICABLE
- GAS METER
- ELECTRICAL METER
- WATER METER
- PROPERTY LINE
- STREET CENTER LINE
- EXISTING WALL
- 3/4" RATING WALL
- 2 1/2" RATING WALL
- NEW WOOD FRAME WALLS W/STUDS @ 24" O.C. 2 1/2" DRYWALL @ INTERIOR AND 7/8" @ EXTERIOR
- OPENING
- CABINERY
- DEAD WALLS

**PROJECT INFORMATION**

OWNER: KJ Investments Group, LLC  
12109 WOODRUFF AVE  
DOWNEY, CA 90241  
PROJECT ADDRESS: 11277 GARDEN GROVE BLVD  
GARDEN GROVE, CA 92843  
PROJECT INFORMATION

**DESIGNER INFORMATION**

MANUEL A. ESPINO  
12109 WOODRUFF AVE  
DOWNEY, CA 90241  
DATE: 04/20/17 3:52:21 PM  
DRAWN BY: J.E.

**DATE**

04/20/17 3:52:21 PM  
1  
2  
3  
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5  
6  
7  
8  
9  
10  
11  
12

**AGENCY**

AGENCY # 090-171-35  
OWNER: KJ Investments Group, LLC  
12109 WOODRUFF AVE  
DOWNEY, CA 90241

**JOB NO.**

17 014

**DRAWN BY**

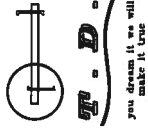
J.E.

**DATE**

Jun. 2017

**SHEETS**

1/1



you dream it we will make it true



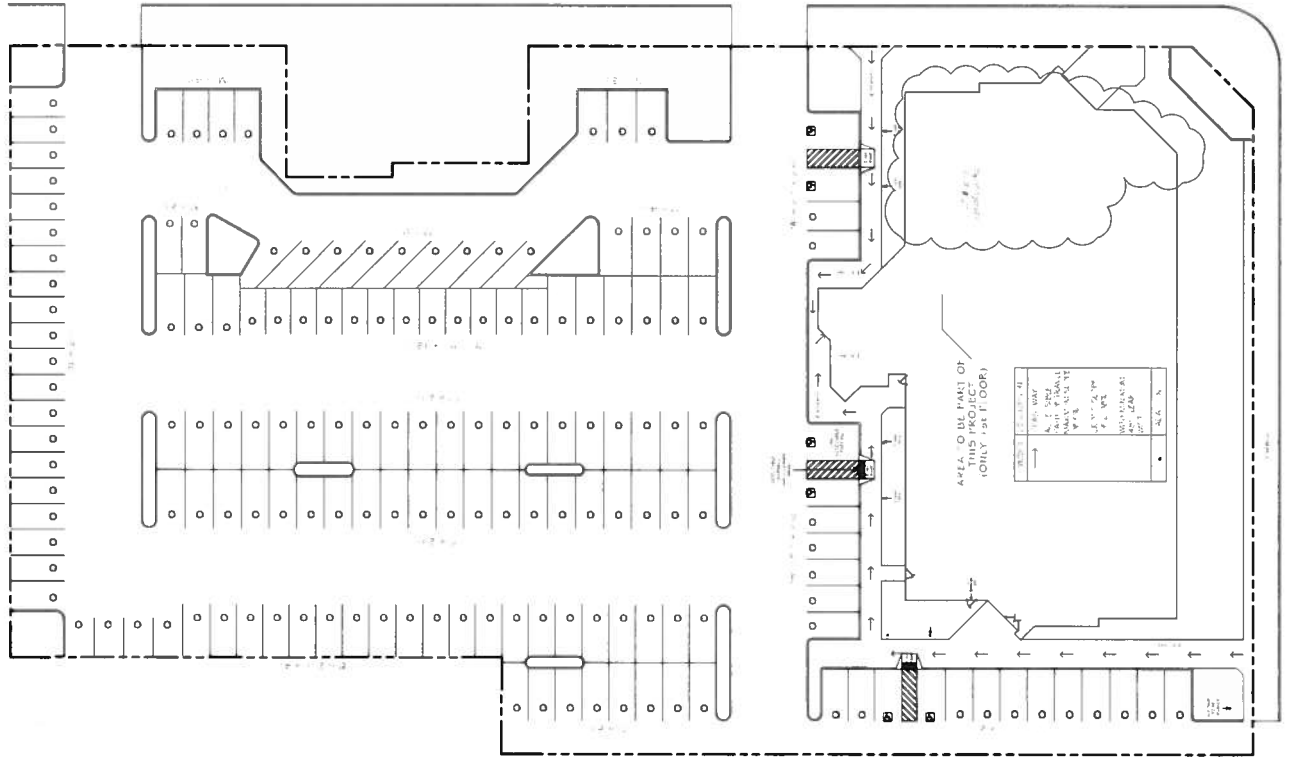
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ASSESSOR # 090-171-35  
 BUILDING CUP

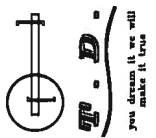
JOB ADDRESS: 11277 GARDEN GROVE BLVD  
 GARDEN GROVE CA 92643

JOB NO 17-014  
 DRAWN BY: [Signature]  
 DATE: Jun 2017

A-1



SITE PLAN IS NOT TO SCALE AND IS ONLY FOR SHOWN PURPOSE AND NOT TO BE USE AS REFERRALS  
 SITE FULLY COMPLIES WITH T 24, ACCESSIBILITY STANDARD, AND SUBJECT TO VERIFICATION.



50031 Invergrain Rd, Los Angeles CA 90022  
 Invergrain@invergrain.com  
 310.441.1111  
 FAX: 310.441.1125



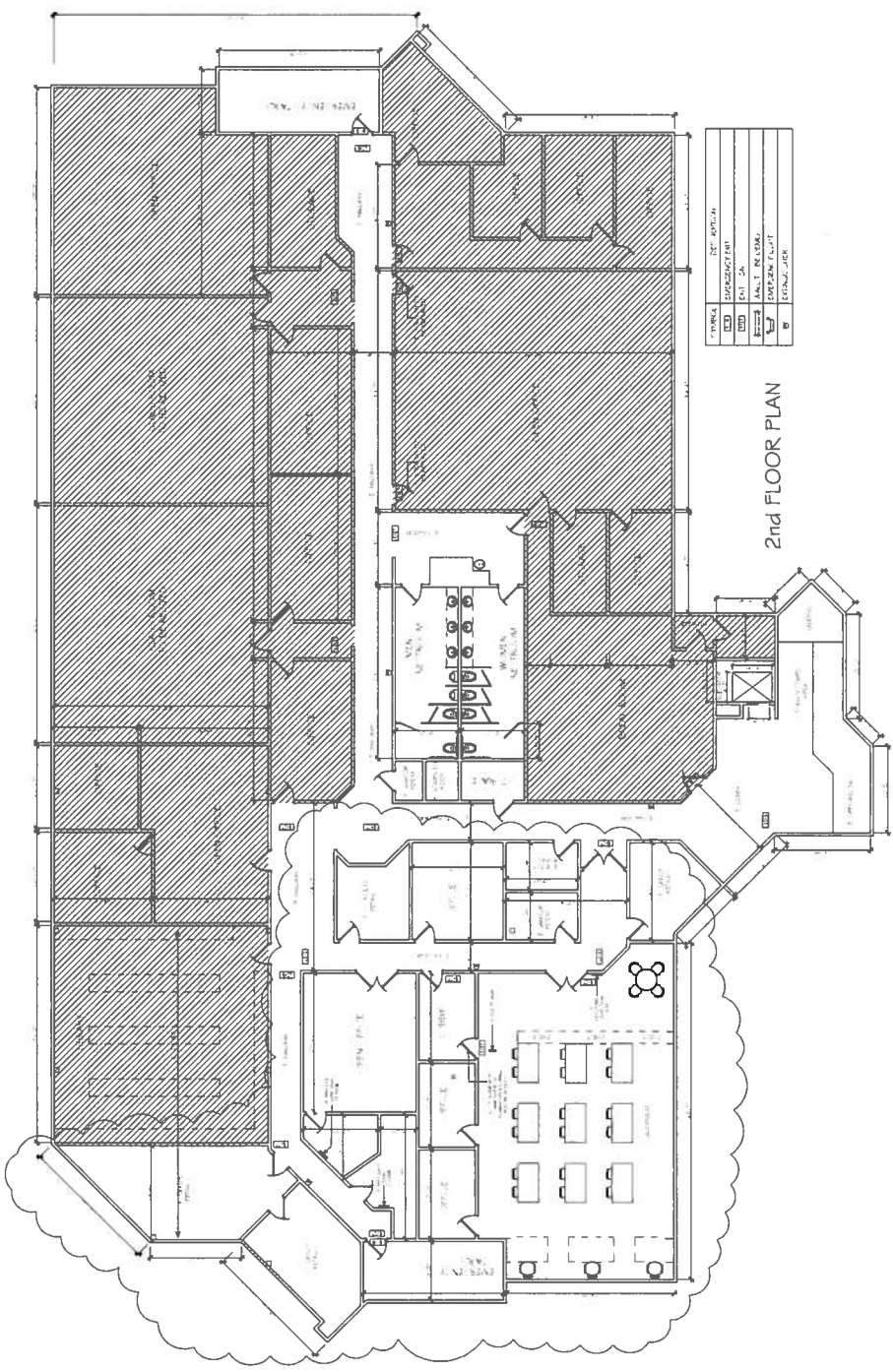
DATE: 07/10/17 8:18:33 PM  
 PROJECT: BUILDING CUP

ASSESSOR #: 090-171-35  
 ADDRESS: 2421 W 60th St, Los Angeles, CA 90047  
 OWNER: GARDEN GROVE, INC.

JOB ADDRESS: 11277 GARDEN GROVE BLVD  
 GARDEN GROVE, CA 92643  
 EXISTING FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

JOB NO: 17-014  
 DRAWN BY: K  
 DATE: Jun 2017

A-2



SYMBOL	DESCRIPTION
[Hatched Box]	EXISTING WALL
[Dashed Box]	NEW WALL
[Solid Box]	NEW FLOOR
[Solid Box]	REMOVE FLOOR
[Solid Box]	REMOVE WALL

2nd FLOOR PLAN



RESOLUTION NO. 5895-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-108-2017 FOR PROPERTY LOCATED AT 11277 GARDEN GROVE BOULEVARD, SUITE NOS. 200 AND 203, ASSESSOR'S PARCEL NO. 090-171-35.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove in a regular session assembled on September 7, 2017, hereby approves Conditional Use Permit No. CUP-108-2017 to permit operation of an educational institution for a property located on the north side of Garden Grove Boulevard, east of Euclid Street, at 11277 Garden Grove Boulevard, Assessor's Parcel No. 090-171-35.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-108-2017, the Planning Commission of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by American Heritage College.
2. The applicant is requesting Conditional Use Permit approval to allow the operation an adult private educational institution, American Heritage College, for twelve (12) full-time employees/ instructors and up to a maximum of twenty-one (21) students, in an existing approximately 4,416 square foot tenant space, located at 11277 Garden Grove Boulevard, Suite Nos. 200 and 203.
3. The project is not subject to the California Environmental Quality Act ("CEQA") (Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15301 – Existing Facilities of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.).
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The subject property for the proposed adult private educational institution is improved with an existing two-story office building.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 7, 2017, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of September 7, 2017, and



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

FACTS:

The subject property is zoned CC-3 (Civic Center Core), and has a General Plan Land Use Designation of Civic Center Mixed Use. The property abuts CC-3 (Civic Center Core) zoned properties to the north and west, CC-1 (Civic Center East) zoned property to the east, across Civic Center Drive, and CCSP-PR46 (Civic Center Specific Plan Peripheral Residential 46) zoned property to the south, across Garden Grove Boulevard.

Small-scale educational businesses are typically permitted in the mixed use zones with the following restrictions: (i) a maximum of fifteen (15) students in the establishment at any one time; and (ii) each student is allowed a maximum stay of four (4) hours in the establishment per day. An educational business which exceeds the maximum fifteen (15) student threshold classifies as an "educational institution" use, and requires the approval of a Conditional Use Permit. The Conditional Use Permit ensures there are no negative impacts to surroundings uses from potential issues such as, but not limited to, parking, littering, and loitering.

An educational institution is a permitted use in the CC-3 zone, subject to the approval of a Conditional Use Permit. Thus, the applicant has submitted a request for Conditional Use Permit approval to allow the operation of an educational institution.

The Municipal Code defines an "educational institution" use as a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education.

Per the applicant's submitted business proposal, American Heritage College will operate as an adult private educational institution, with a particular focus on preparing professionals with a practicable, accessible skills-enhancing program. The hours of operation will be from 9:00 a.m. to 9:00 p.m., Monday through Friday. The class sessions will be between 9:00 a.m. to 2:00 p.m. and 6:00 p.m. to 9:00 p.m. The staff will consist of twelve (12) full-time employees/ instructors and up to a maximum of twenty-one (21) students.

The Community and Economic Development Department has reviewed the request and is in support of the proposal. All standard conditions of approval for a private enterprise education institution business will apply.

## FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Civic Center Mixed Use, which is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. Policy LU-IMP-10A of the General Plan Land Use Element seeks to link the City Hall with other civic or institutional uses across Acacia Parkway so that the centrality of government services is retained in the Civic Center area. Policy LU-IMP-10D of the General Plan Land Use Element seeks to maximize the opportunities offered by higher educational institutions to be located in the Civic Center area.

Educational institutions with more than 15 students are a conditionally permitted educational institution use in the CC-3 (Civic Center Core). Granting of the requested Conditional Use Permit will be consistent with the General Plan because the proposed educational institution is a commercial use of the type permitted within the Civic Center Mixed Use land use area, the use will meet the needs of the area's clientele, and the use will enable an existing Garden Grove business to remain in the City.

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

The proposed educational institution will operate from 9:00 a.m. to 9:00 p.m., Monday through Friday, and there is more than sufficient parking to accommodate the use at the proposed location. All standard conditions of approval for educational institution will apply and will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

3. That the proposed property 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 proposed adult private educational institution will be located in an approximately 4,416 square foot tenant space within an existing office building. The proposed request will require the applicant to modify the vanity tops in the second floor men’s and women’s restrooms vanity top to be accessible, install an accessible drinking fountain in the common hallway, and modify the first floor front entry that leads directly to the second floor to be accessible.

The subject property for the existing tenant space is improved with an office building with 159 parking spaces. The previously number of parking stalls were 141 spaces. Title 9 of the City’s Municipal Code parks educational institution uses at a rate of one (1) parking space for every employee and one (1) parking space for every three (3) students. Based on this rate and the applicant’s business plan, a total of nineteen (19) parking spaces, minimum, are required for the proposed educational institution. The following is a required parking table for all the proposed uses:

SUITE NUMBER(S)	USE	SQUARE FEET	CODE PARKING RATIO	CODE REQUIRED PARKING
100	Medical	6380	1 per 170 sf	37.53
101	Medical	5826	1 per 170 sf	34.27
102	Medical	3563	1 per 170 sf	20.96
200 & 203	Educational	4416	1 per Employee 1 every 3 Students	12.00 7.00
201 & 202	Educational	9943	1 per Employee 1 every 3 Students	17.00 19.33
<b>TOTAL CODE REQUIRED PARKING SPACES</b>				<b>148.09 or 149</b>
<b>TOTAL CURRENT PARKING SPACES</b>				<b>159</b>
<b>TOTAL EXTRA PARKING SPACES</b>				<b>10</b>

Therefore, Staff finds there to be sufficient parking to accommodate the proposed educational institution, with no negative impacts to existing parking conditions. The conditions of approval for the subject project state that in the event there are any parking or traffic circulation issues caused by the subject proposed business, the applicant shall prepare a parking/ traffic mitigation plan to the satisfaction of the City.

Thus, the site, with the existing site improvements, is of adequate size and shape to accommodate the proposed educational institution, and no additional modifications are necessary to integrate the adult private educational institution with other uses within the surrounding area.

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 three (3) main driveways. One (1) driveway is located on Garden Grove Boulevard, providing both ingress and egress, and two (2) driveways are located on Civic Center Drive providing both ingress and egress. The site is also adequately served by the public service facilities required, such as gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Conditional Use Permit No. CUP-108-2017 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-108-2017.

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-108-2017**

11277 Garden Grove Boulevard, Suite Nos. 200 and 203

#### **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 (the "Applicant") shall mean and refer to the project applicant, American Heritage College, 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 and subsequent Owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 4,416 square foot adult private educational institution 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. Provide occupancy breakdown per room that will determine exiting requirements pursuant to the current California Fire Code Standards.
8. Provide emergency lighting throughout the building pursuant to the current California Fire Code Standards.

**Police Department**

9. There shall be no students in or about the premises when the establishment is closed.
10. 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 GGMA 1.22.010(a) in addition to other penalties provided by law.

**Building Services Division**

11. The Property Owner and/or Applicant shall modify the vanity tops in the second floor men's and women's restrooms to be accessible, install an accessible drinking fountain in the common hallway, and modify the first floor front entry that leads directly to the second floor to be accessible pursuant to the current California Building Code Standards.
12. Any building modifications shall comply with all provisions to the California Building Code Standards, City adopted amendments and California Plumbing and Electrical Code.

**Community and Economic Development Department**

13. This approval shall allow the operation of an adult private educational institution. 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.

14. The adult private educational institution shall be permitted and licensed for a maximum occupancy of twelve (12) full-time employees/ instructors and up to a maximum of twenty-one (21) students in the establishment at any one time.
15. The use shall meet all requirements of the California Building Standards Code for "B" occupancy. Should there be a change of occupancy, the Applicant shall submit plans prepared by a licensed architect to the Building Division for review and approval.
16. The permitted hours of operation for the adult private educational institution shall be from 9:00 a.m. to 9:00 p.m., Monday through Friday. The class sessions will be between 9:00 a.m. to 2:00 p.m. and 6:00 p.m. to 9:00 p.m. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
17. All activities associated with the adult private educational institution shall be conducted within the fully enclosed building.
18. At no time shall the establishment operate as other than its intended use as an adult private educational facility as permitted by this Conditional Use Permit. Use of the establishment for other types of assembly uses, including, without limitation, as a church or religious facility, is not permitted.
19. Based on the Applicant's representation that there will be a maximum of twelve (12) full-time employees/ instructors and up to twenty-one (21) students, a total of nineteen (19) on-site parking spaces shall be available on the property for the operation of the private adult educational institution. The parking spaces shall be available at all times for employee(s) and client parking.
20. In the event the site cannot accommodate the parking demand for the proposed adult private educational use, at any given time, which causes a nuisance, 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 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; staggering class times; instituting an off-site parking arrangement; having on-site parking control personnel;

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 Conditional Use Permit No. CUP-108-2017.

21. There shall be no smoking permitted inside the licensed business at any time pursuant to State Labor Code Section 6404.5 (ref: State Law AB 13).
22. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee and the public. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background.
23. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
24. No outside storage or displays shall be permitted at any time.
25. The Applicant and Property Owner shall be responsible for maintaining the premises free from debris and litter. Litter shall be removed daily from the premises, including adjacent to the premises, public sidewalks, and from all parking areas under the control of the Applicant or Property Owner. These areas shall be swept or cleaned continuously, either mechanically or manually, on a weekly basis, to maintain the said area in a clean and orderly condition.
26. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least once per week. However, if additional pick-ups are needed to accommodate the uses on the site, the Property Owner shall increase the number of pick-ups as required.
27. The Applicant and Property Owner shall be responsible for maintaining the premises, including the parking lot, landscaped area, walkways, and paved surfaces, free from graffiti, debris, and litter. Graffiti shall be removed from the project site and all parking lots under the control of the Applicant within 120 hours of notification.
28. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development



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Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

29. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
30. All ground-mounted mechanical equipment shall be screened from view from any place on or off the site.
31. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
32. All signs shall comply with the City of Garden Grove sign requirements. No more than fifteen percent (15%) of the total window area and clear doors shall bear advertising or signs of any sort. Any opaque material applied to the store front, such as on a window, shall count toward the maximum window coverage area. Any modifications to existing signs or the installation of new signs, ground or wall signs, shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
33. 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.
34. The Applicant and Property Owner shall be responsible for all parking lot areas of the licensed premises and ensure that the provided lighting be of sufficient power and in working order to illuminate and make easily discernible the appearance and conduct of all persons on or about all parking lot areas.
35. All lighting in the parking lot areas of the licensed premises shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences.
36. All parking lot light standard poles and heads designated to the licensed premises shall be painted and maintained.

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37. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by the approval of Conditional Use Permit No. CUP-108-2017.
38. A copy of the Resolution No. 5895-17 approving Conditional Use Permit No. CUP-108-2017 shall be kept on the licensed premises at all times and be made available upon request by City Staff and/or Police Department.
39. The Applicant shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-108-2017, and his/her agreement with all conditions of the approval.
40. The Conditional Use Permit shall be reviewed within one (1) year from the date of this approval. On a yearly basis, as determined by Staff, the business operator shall meet with members of the Planning Division and Police Department to discuss operating conditions of the business and to determine if the business is operating in compliance with the Conditions of Approval.
41. The Applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-108-2017. 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 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.