



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, February 24, 2022

9:00 a.m.

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

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Comments by the Public. Each speaker shall be limited to three (3) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

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

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

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

1. PUBLIC HEARING ITEM(S):

a. CONDITIONAL USE PERMIT NO. CUP-216-2022

APPLICANT: Blake Huy Trinh
LOCATION: 12572 Valley View Street

REQUEST: To operate a new 5,000 square foot "Athletic and health clubs, spas or gym," Pro Athletics. The site is in the Planned Unit

Development No. PUD-102-76 zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities - of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC
3. ADJOURNMENT

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

Meeting Minutes
Thursday, January 27, 2022

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-214-2022

Applicant: Thanh Do
Location: 12342 Brookhurst Street
Date: January 27, 2022

Request: To operate a new restaurant, Oc 7\$, with a new original Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the C-1 (Neighborhood Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Thanh Do

Action: The Zoning Administrator adopted Decision No. 1811-22.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-215-2022

Applicant: Linh Nguyen
Location: 12936 Main Street
Date: January 27, 2022

Request: To allow an existing coffee and tea shop, Phuc Long Coffee and Tea, to operate with limited live entertainment in the form of a two (2) person band: one (1) instrumentalist and one (1) vocalist. The proposed entertainment will occur on Friday, Saturday, and Sunday from 6:00 p.m. to midnight. The site is in the CC-2 (Civic Center Main Street) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Linh Nguyen

Action: The Zoning Administrator adopted Decision No. 1812-22.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:17 a.m.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: Northeast corner of Valley View Street and Cerulean Avenue, at 12572 Valley View Street
HEARING DATE: February 24, 2022	GENERAL PLAN: LC (Light Commercial)
CASE NO.: Conditional Use Permit No. CUP-216-2022	ZONE: Planned Unit Development No. PUD-102-76
APPLICANT: Blake Huy Trinh	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: Valley View Village (Sandra Munson)	APN: 217-064-07

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to operate a new 5,000 square foot baseball and softball indoor training facility, Pro Athletics, as an Athletic and Health Club, Spa, or Gym, at 12572 Valley View Street.

BACKGROUND:

The subject site is developed with a multi-tenant commercial building located on the east side of Valley View Street, just north of Cerulean Avenue, at 12572 Valley View Street. The site has a General Plan Land Use designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76.

The subject property is adjacent to C-1 (Neighborhood Commercial) zoned properties to the west, across Valley View Street. To the south, across Cerulean Avenue, the subject property is adjacent to residential developments zoned as PUD-102-76, and R-1 (Single-Family Residential) zoned properties. To the east, across Adams Street, the site is adjacent to R-1 zoned properties. To the north, the subject property is contiguous to C-2 (Community Commercial) and R-1 zoned properties.

The subject property is currently developed as an integrated shopping center, with a mixture of retail stores, personal services, and restaurants. Under application is an approximately 5,000 square foot in-line tenant space that fronts Valley View Street, toward the southern end of the shopping center.

According to Business Tax records, the subject location has a history of being used as an "Athletic and Health Club, Spa or Gym" type use. The space was originally occupied by a Jack LaLanne's Health Spa. From 1996 to 2004, a Linda Evans Fitness Center occupied the space. In 2006, a Nifty After 50 took over the tenant space until 2017. The space has remained vacant since then. All previous uses are considered

"Athletic and Health Club, Spa or Gym" uses. The permitted uses for the PUD zoning of the property refers to those of the C-2 (Community Commercial) zone. Garden Grove Municipal Code Section 9.16.020.030 requires a Conditional Use Permit for the establishment of a new "Athletic and Health Club, Spa or Gym." No previous establishment operated under a CUP. Therefore, the use currently under application is required to apply for a new CUP.

DISCUSSION:

Athletic and Health Clubs are defined as any, "Establishment that is open to the public and provides recreational activities for health and fitness." Pro Athletics will operate as both a group, and private-trainer based fitness studio, specifically targeted toward softball and baseball players. In particular, the business is targeted toward youth softball and baseball teams and players, allowing for specialized training regimens intended to improve their in-game skills. The use is specifically for baseball and softball training and skill development, not for gameplay, and will not feature any tournaments, leagues, or other events.

The subject tenant space is approximately 5,000 square feet, and consists of the following: a reception area, four (4) indoor batting cages, restrooms, and a general workout area. No showers, locker rooms, massage, saunas, or other such amenities are being proposed as a part of this application. The batting cages will be used for the baseball and softball skill development activities, while the workout area will feature standard workout machines and equipment.

Pro Athletics proposed standard business hours are as follows: 10:00 a.m. to 10:00 p.m., Monday to Friday, and 11:00 a.m. to 9:00 p.m., Saturday and Sunday. The proposed conditions of approval allow for the business to operate between 10:00 a.m. and 10:00 p.m., seven (7) days a week). Specific session start times vary, dependent upon certain days of the week and demand for certain programs over others. A typical operating day will feature private training sessions in the morning and afternoon, and group or team sessions in the evenings. Sessions will typically feature an hour of traditional fitness and exercise in the workout area, and an hour of skill development in the batting cages. Given the limited capacity and nature of the proposed business, participants are encouraged to book training sessions ahead of time. The applicant has indicated that a manager, and 8-10 part-time trainers will be staffed at any one time.

With the subject tenant space having been previously occupied by Athletic Health Club/Gym type uses, there is no change in parking requirements. Therefore, the proposed use complies with the Municipal Code requirements for "Athletic and Health Clubs, Spas, or Gyms." The Community and Economic Development Department has reviewed the request, and is in support of the proposal.

CEQA:

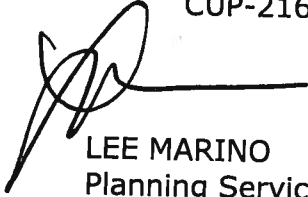
CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject request for the Athletic

Health Club/Gym is a continuation of the uses that have previously operated in the subject tenant space. The new Athletic Health Club/Gym is a permitted use, subject to a CUP, and does not involve an intensification or physical expansion of the subject tenant space. Therefore, the proposed project is exempt from CEQA.


RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

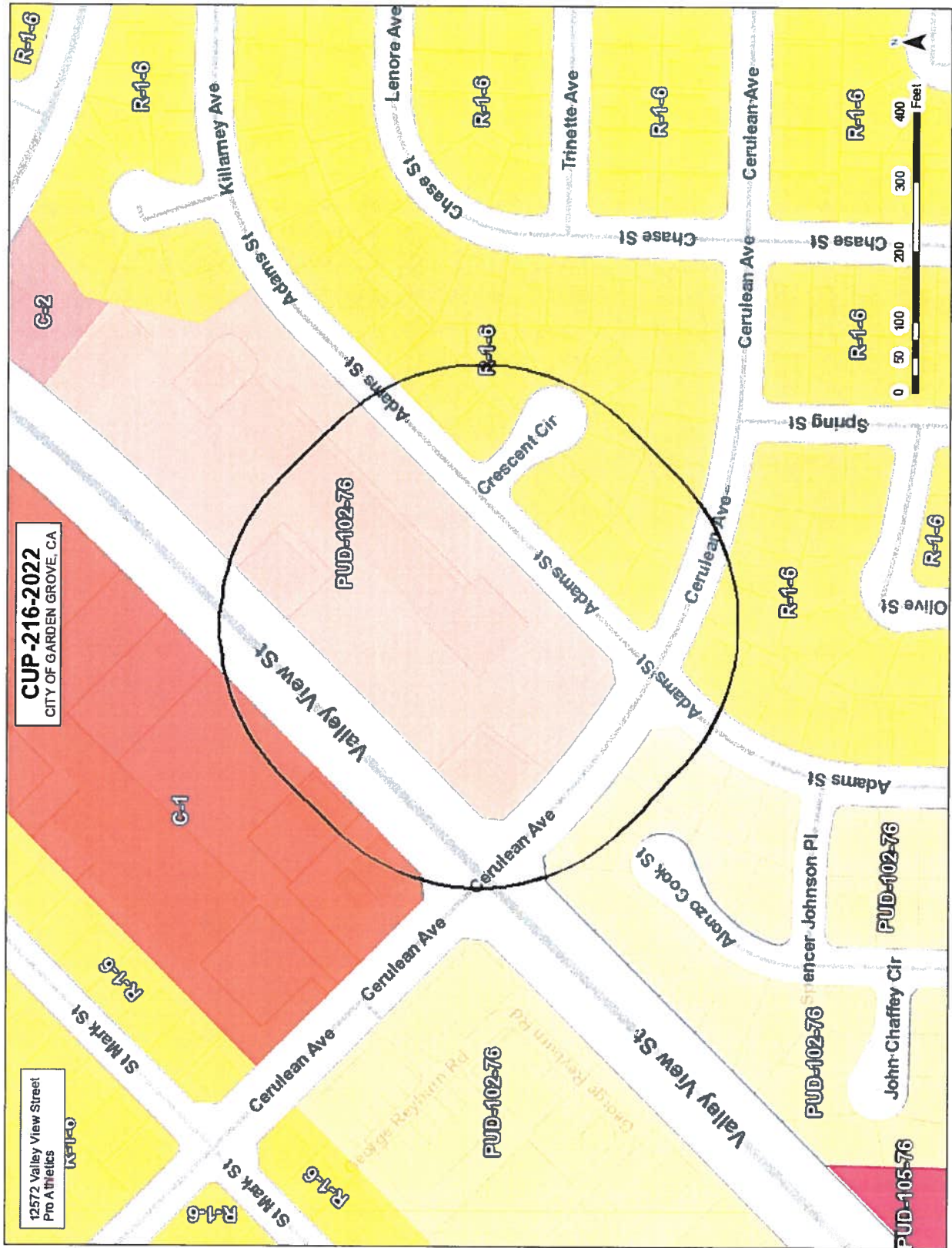
1. Adopt Decision No. 1813-22, approving Conditional Use Permit No. CUP-216-2022, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager



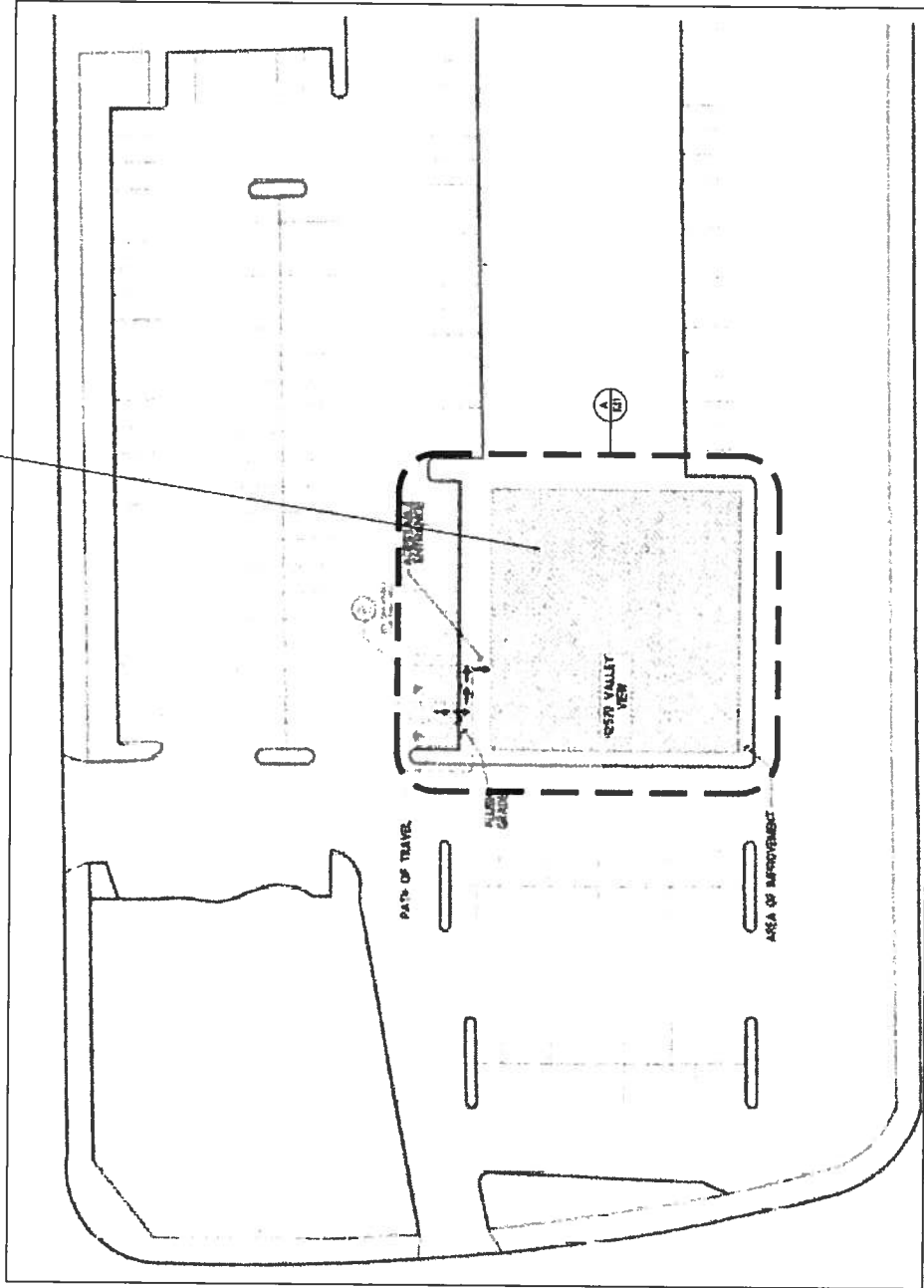
By: Priit Kaskla
Assistant Planner

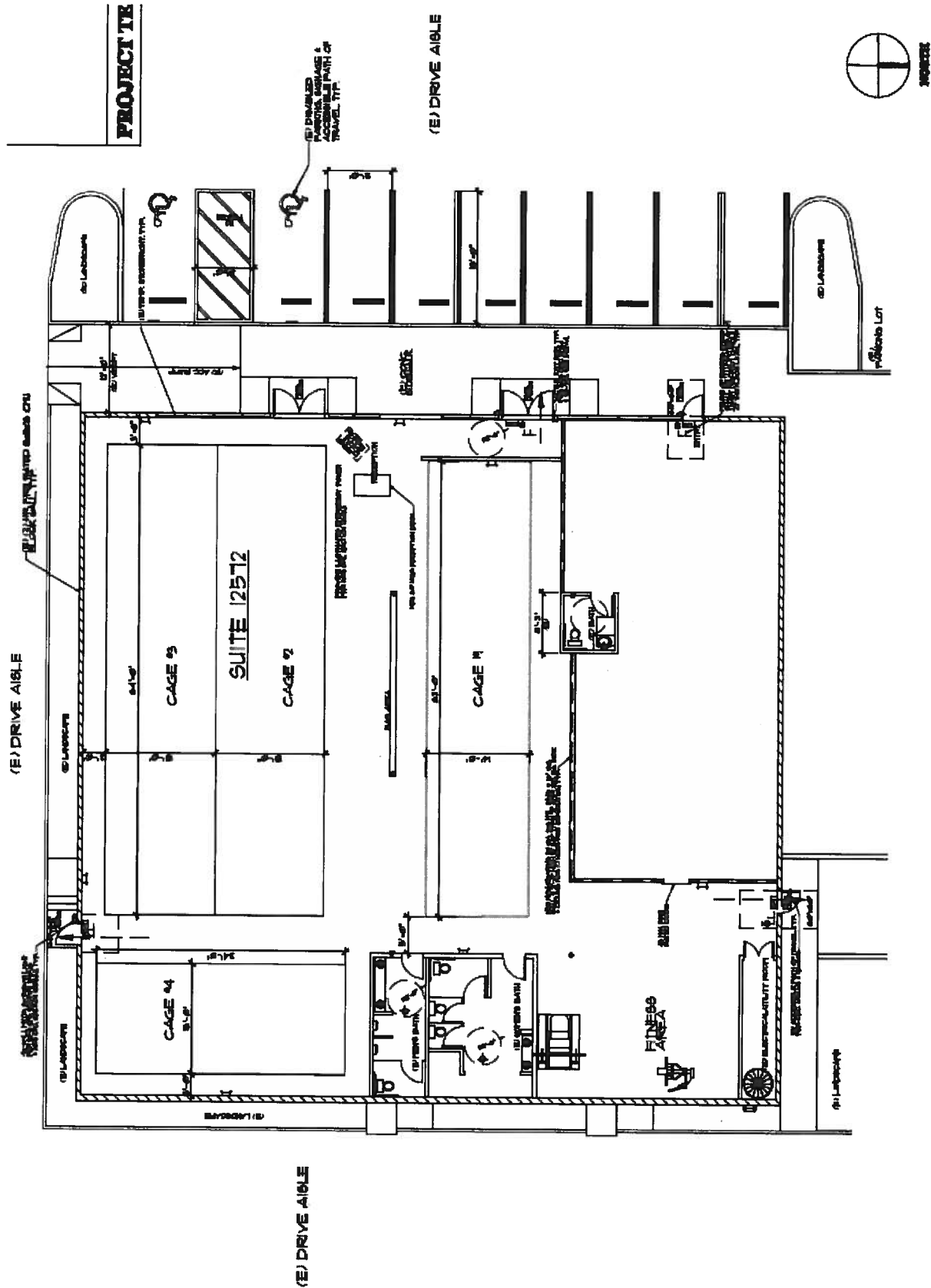


ALTER (E) INTERIOR 1-STORY
9,000 S.F. WAREHOUSE BUILDING

VALLEY VIEW STREET

CERULEAN AVENUE





DECISION NO. 1813-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-216-2022 FOR PROPERTY AT 12572 VALLEY VIEW STREET, ASSESSOR'S PARCEL NO. 217-064-07.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-216-2022 for property located on the northeast corner of Valley View Street and Cerulean Avenue, at 12572 Valley View Street, Assessor's Parcel No. 217-064-07.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-216-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Blake Huy Trinh.
2. The applicant is requesting approval of a Conditional Use Permit to operate a new 5,000 square foot baseball and softball indoor training facility, Pro Athletics, as an Athletic and Health Club, Spa, or Gym, at 12572 Valley View Street.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76. The subject property is currently improved with a multi-tenant shopping center.
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 February 24, 2022, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of February 24, 2022, and

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

FACTS:

The subject site is developed with a multi-tenant commercial building located on the east side of Valley View Street, just north of Cerulean Avenue, at 12572 Valley View Street. The site has a General Plan Land Use designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76.

The subject shopping center property is adjacent to C-1 (Neighborhood Commercial) zoned properties to the west, across Valley View Street. To the south, across Cerulean Avenue, the subject property is adjacent to residential developments zoned as PUD-102-76, and R-1 (Single-Family Residential) zoned properties. To the east, across Adams Street, the site is adjacent to R-1 zoned properties. To the north, the subject property is contiguous to C-2 (Community Commercial) and R-1 zoned properties.

The specific tenant space under application is an approximately 5,000 square foot space fronting Valley View Street, at the southern end of the shopping center. According to Business Tax records, the subject location has been continuously occupied by Athletic Health Club/Gym uses since 1977. Since August 2017, however, the tenant space has been vacant. A new baseball and softball training facility, Pro Athletics, is proposing to occupy the tenant space, and operate as an "Athletic and Health Club, Spa, or Gym." Garden Grove Municipal Code Section 9.16.020.030 requires a Conditional Use Permit for the establishment of a new "Athletic and Health Club, Spa or Gym."

Pro Athletics will operate as both a group, and private-trainer based fitness studio, specializing in youth softball and baseball skill development. In particular, the business provides training regimens intended to improve various baseball and softball skillsets. The business will not provide for any gameplay, and will not feature any tournaments, leagues, or other events.

Pro Athletics' standard hours of operation will be 10:00 a.m. to 10:00 p.m., Monday to Friday, and 11:00 a.m. to 9:00 p.m., Saturday and Sunday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76. The Light Commercial designation is intended to range of commercial activities that serve local residential neighborhoods and the larger community. Planned Unit Development No. PUD-102-76 was approved specifically for the development of

single-family homes, condominiums, and a commercial retail center. Where the PUD is silent, the commercial center is implemented through the C-2 (Community Commercial) zone.

The subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Policy LU-1.3 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The proposed Athletic Health Club/Gym is located along Valley View Street, in an area already developed with restaurant, retail, and other commercial services. Adjacent residential neighborhoods have easy access to these commercial amenities. The proposed use can further enhance the commercial district by providing a unique service that is not currently found in the area.

Goal LU-4 The City seeks to develop uses that are compatible with one another. The proposed use is a softball and baseball training facility, operating as an "Athletic and Health Club, Spa, or Gym," as defined by the Municipal Code. The location of the gym use is in a commercial center, with a variety of uses. Adjacent to the subject use are retail, restaurant, and personal service uses. The proposed gym is compatible with these uses, and other lighter, commercial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with nearby commercial and residential uses.

Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community. Gym uses can enhance the vitality of the City's commercial centers. The proposed baseball and softball training facility, Pro Athletics would operate as an "Athletic and Health Club, Spa, or Gym." This type of use is not currently found in the direct vicinity of the shopping center. This serves the need of the community, by turning a vacant tenant space into a new, more economically viable business.

Goal LU-6 Revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City. The subject tenant space has been vacant since 2017. The proposed use would immediately fill a 5,000 square foot tenant space in a relatively underutilized commercial center. This coincides with the overall revitalization of commercial properties along Valley View Street. The proposed use can also help encourage other businesses to occupy adjacent tenant spaces in the subject shopping center.

Policy LU-6.2 Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of area's present and potential clientele. The subject request for an Athletic Health Club/Gym would add a new use to a major commercial corridor. The area surrounding the subject restaurant already features a wide variety of

commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a wider selection of commercial uses, the shopping center, and the Valley View Street commercial corridor can become more resilient to any future demands.

Policy CD-1.1 Enhance the positive qualities that give residential, commercial, and industrial areas their unique identities, while also allowing flexibility for innovative design. Unlike other sports and activities, like boxing or Pilates, the City of Garden Grove has not approved a dedicated indoor training facility for baseball and softball. This use is unique not only to the City, but also regionally. While operating as an Athletic Health Club/Gym, Pro Athletics fills a vacancy in a brand new way.

Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove. Pro Athletics is a new business to Garden Grove, with this subject request their first and only location within the City. The proposed business could not locate to the subject tenant space without the approval of a Conditional Use Permit. If the Conditional Use Permit is approved, it would allow for a new business to locate within the City.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The proposed gym use will occupy a tenant space that has been vacant since 2017. The conditions of approval can minimize potential impacts to the adjoining area. Hours of operation will be limited to between 10:00 a.m. to 10:00 p.m., daily. Limitations on the hours of operation can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as an "Athletic and Health Club, Spa, or Gym," the use will be compatible with the surrounding uses.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space will undergo interior tenant improvements to accommodate the proposed Athletic Health Club/Gym use. Once the modifications are completed, the space will be of adequate size to accommodate the proposed use within the surrounding area.

4. That 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 located at the east side of Valley View Street, north of Cerulean Avenue. The commercial center is adequately accessed by three (3) driveways along Valley View Street, and one (1) driveway along Cerulean Avenue. On-site circulation is adequate to serve all the uses in the commercial center. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, the only changes proposed to the tenant space are interior modifications. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit 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-216-2022.

Dated: February 24, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-216-2022

12572 Valley View Street

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Blake Huy Trinh, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. 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 applicable City hearing body, except as otherwise provided herein.
3. 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. This Conditional Use Permit only authorizes the operation of a 5,000 square "Athletic and Health Club, Spa, or Gym," as identified on the 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. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. 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.

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

Police Department

7. The standard hours of operation shall be between 10:00 a.m. to 10:00 p.m., seven (7) days a week, excluding holidays. In the event that problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department.
8. There shall be no customers or patrons in or about the premises when the establishment is closed.
9. There shall be no gaming tables or gaming machines as outlined in City Code Sections 8.20.010 and 8.20.050 on the premises at any time.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcohol for consumption on or off the premises is prohibited. There shall be no consumption of alcoholic beverages on the premises.
12. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).
13. A sign shall be posted on the exterior of the building noticing that there shall be no illegal dumping around the premises of the establishment.

Community and Economic Development Department

14. The establishment shall be operated as an "Athletic and health clubs, spas, or gyms" use as defined in the Municipal Code.

15. All activities associated with the gym shall be conducted within a fully enclosed permanent building.
16. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
17. At no time shall the business operate as a massage establishment without first obtaining approval through the City. No enclosed rooms shall be used to provide massage services at any time.
18. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
19. 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.
20. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted, but the sound emitted from the premises shall not be audible outside of the establishment.
21. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
22. There shall be no amusement devices permitted on the premises at any time.
23. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
24. 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.
25. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
26. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee.

These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.

27. 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 three (3) times a week.
28. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
29. 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.
30. 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.
31. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community 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.
32. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
33. 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 Services Division. No advertising material shall be placed thereon.

34. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
35. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
36. 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.
37. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3502.5, and 3513 of the California Fish and Game regulations, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.
38. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-216-2022 shall be kept on the premises at all times.
39. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-216-2022 and his/her agreement with all conditions of the approval.
40. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
41. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
42. 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-216-2022. 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.

43. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-216-2022 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.
44. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.

Building and Safety Division

45. All work shall comply with the current California Building Standards Code at the time of permit application.
46. An accessible path of travel shall be provided from the public sidewalk to the building entrance, and from any accessible parking to the building entrance, in compliance with CBC Chapter 11B.
47. All restrooms shall comply with CBC Chapter 11B, Division 6.
48. At least one of each type of exercise machine and equipment shall comply with CBC Section 11B-1004.

49. Occupancy separations shall comply with CBC Table 508.4.

Water Services Division

50. Any new water service installations two inches (0'-2") and smaller, may be installed by the City of Garden Grove at the owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (0'-3") and larger, shall be installed by developer/owner's contractor per City standards.
51. Water meters shall be located within the City right-of-way. Fire services and water services three inches (0'-3") and larger, shall be installed by a contractor with a Class A or C-34 license, per City standards and inspected by approved Public Works inspection.
52. If required, a Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per city standards, and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester, and the test results to be submitted to the Public Works Department, Water Services Division. The property owner must open a water account upon installation of RPPD device.
53. New utilities shall have a minimum five-foot (5'-0") horizontal and a minimum one-foot (1'-0") vertical clearance from sewer or water main and appurtenances.
54. If required, any new or existing water valve located within a new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
55. The City shall determine if existing water services(s) is/are usable and meet(s) current City standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
56. If required, fire service shall have above-ground backflow device with a double-check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester

and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Services Division.

57. The contractor shall abandon any existing unused sewer lateral(s) at street right-of-way, on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug, and encased in concrete. Only one sewer connection per lot is allowed.
58. If required, the property owner shall install a new sewer lateral with clean out connecting to existing private sewer system on-site. It is the responsibility of the owner to install appropriate size sewer lateral.
59. The contractor shall abandon any existing unused sewer lateral(s) on the property owner's side in accordance with the California Plumbing Code.