



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

APRIL 4, 2019

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

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

ROLL CALL: CHAIR LEHMAN, VICE CHAIR KANZLER
COMMISSIONERS LE, NGUYEN, PEREZ, RAMIREZ, SOEFFNER

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

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

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

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

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: March 21, 2019
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. SITE PLAN NO. SP-067-2019
CONDITIONAL USE PERMIT NO. CUP-153-2019

APPLICANT: SUNG LEE
LOCATION: EAST SIDE OF BUARO STREET, SOUTH OF EMRYS
AVENUE AT 12612 BUARO STREET

REQUEST: Conditional Use Permit approval to operate an existing 3,918 square foot sanctuary space with 200

fixed seats (1,938 square foot ancillary space), along with two (2) existing ancillary buildings, and a request for Site Plan approval to construct a new 4,482 square foot Sunday School ancillary building. The request also includes parking lot re-striping and a trash enclosure. The site is in the R-1 (Single-Family Residential) zone.

STAFF RECOMMENDATION: Approve Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019, subject to the recommended conditions of approval. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15303 (e)(2)(A)(B) – Existing Facilities: Additions to Existing Structures.

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

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

Meeting Minutes
Thursday, March 21, 2019

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair Lehman
Vice Chair Kanzler
Commissioner Le
Commissioner Nguyen
Commissioner Perez
Commissioner Ramirez
Commissioner Soeffner

Absent: None

PLEDGE OF ALLEGIANCE: Led by Commissioner Kanzler.

ORAL COMMUNICATIONS – PUBLIC: Joseph Dovich suggested that to avoid Code Enforcement citation confusion, and to benefit neighborhoods, public outreach measures could include a color-code system for different levels of code violations, Vietnamese speaking Code officers, leniency on red tags and citations during cultural holidays, and improved staff explanations of City policies.

March 7, 2019 MINUTES:

Action: Received and filed.
Motion: Le Second: Ramirez
Ayes: (7) Kanzler, Le, Lehman, Nguyen, Perez, Ramirez,
Soeffner
Noes: (0) None

PUBLIC HEARING – SITE PLAN NO. SP-048-2018MM1 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET AT 10080 GARDEN GROVE BOULEVARD, AND THE PROPERTY ADJACENT TO THE SOUTH AT 9860 LARSON AVENUE.

Applicant: AMG & ASSOCIATES, LLC
Date: March 21, 2019

Request: Modification to Conditions of Approval, as well as replacement of a mitigation measure in a previously adopted Mitigated Negative Declaration, for an approved 394-unit affordable senior housing project that includes 12,938 square feet of commercial retail space. The site is in the PUD-008-2018 (Planned Unit Development) zone.

Action: Public Hearing held. Speaker(s): Amanda Locke (AMG & Associates, LLC)

Action: Resolution No. 5953-19 was approved.

Motion: Le Second: Ramirez

Ayes: (7) Kanzler, Le, Lehman, Nguyen, Perez, Ramirez, Soeffner

Noes: (0) None

STUDY SESSION: CODE ENFORCEMENT REVIEW 2.0: Staff presented a Code Enforcement review of technology upgrades such as the new web application, online submissions, case management software, and short-term rental software, along with an overview of the motel enforcement task force, Tobacco enforcement grant, community outreach, and the increase in staffing.

MATTERS FROM COMMISSIONERS: Commissioner Ramirez asked for the number of cases complied with voluntarily. Staff replied approximately 10 percent adding that the updated method was to knock on doors and leave handwritten notices that included information to contact the City if there were questions. Time frames were always established to correct violations within a reasonable time and translators could be provided if needed. Commissioner Perez then asked, with Measure O, had the City Council given direction to hire additional paid or volunteer Code staff? Staff responded that additional staffing did warrant future discussion.

MATTERS FROM STAFF: Staff gave a brief description of the item(s) for the April 4th Planning Commission meeting and introduced the new Assistant Planner, Priit Kaskla.

ADJOURNMENT: At 8:23 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, April 4, 2019, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion: Kanzler Second: Nguyen

Ayes: (7) Kanzler, Le, Lehman, Nguyen, Perez, Ramirez, Soeffner

Noes: (0) None

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1	SITE LOCATION: East side of Buaro Street, south of Emrys Avenue at 12612 Buaro Street
HEARING DATE: April 4, 2019	EXISTING GENERAL PLAN: Low Density Residential
CASE NOS.: Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019	EXISTING ZONE: R-1 (Single-Family Residential)
PROPERTY OWNER: Kyung Sup Kim	APN: 231-441-01
APPLICANT/REPRESENTATIVE: Sung Lee	CEQA DETERMINATION: Exempt (Section 15303 (c) "Existing Facilities: Additions to existing structures")

REQUEST:

The applicant is requesting Site Plan approval to construct a new 4,482 square foot ancillary classroom building within an existing church campus located at 12612 Buaro Street, along with approval of a Conditional Use Permit to operate a 3,918 square foot sanctuary space with 200 fixed seats (1,938 square foot ancillary space) along with two (2) ancillary classroom buildings. The Site Plan request also includes parking lot slurry coat and re-striping, and a trash enclosure.

BACKGROUND:

The subject site (the "property") is an 83,094 square foot (1.91 acre) lot (APN: 231-441-01) located on the east side of Buaro Street, south of Emrys Avenue, at 12612 Buaro Street. The property has a General Plan Land Use Designation of Low Density Residential (LDR) and is zoned R-1 (Single-Family Residential). The property is adjacent to R-1 zoned properties to the west and north, PUD 126-10 to the east (Great Wolf Lodge) and PUD 121-98 to the south (Multiple-Family Residential).

The existing church was established prior to the requirement for a Conditional Use Permit and the use was considered a legal nonconforming use until now; however, the Site Plan review request for the new ancillary building necessitates the need for a Conditional Use Permit in order to conform to the Code, therefore a CUP is part of this request.

The church campus is currently made up of five (5) existing buildings, drive aisles, parking and landscaping. A 3,918 square foot sanctuary is located at the west end of the site fronting Buaro Street, as seen Figure 1, Site Plan. The sanctuary contains 200 fixed seats, restrooms, a 201 square foot foyer, and 1,938 square feet of storage. Just east of the sanctuary are two (2) ancillary buildings used for educational purposes (Sunday

school), which are 2,250 square feet and 3,366 square feet. Two (2) unpermitted structures will be demolished and replaced with a new 4,482 square foot classroom building. Four (4) canopies have been removed and are in the process of being replaced with a new 1,500 square foot solar panel structure, which spans the courtyard between the existing ancillary buildings. The existing access points, drive aisles, and surface parking will be covered with a new slurry coat, and parking will be restriped. The existing landscaping will be supplemented by 827 square feet of plantings.

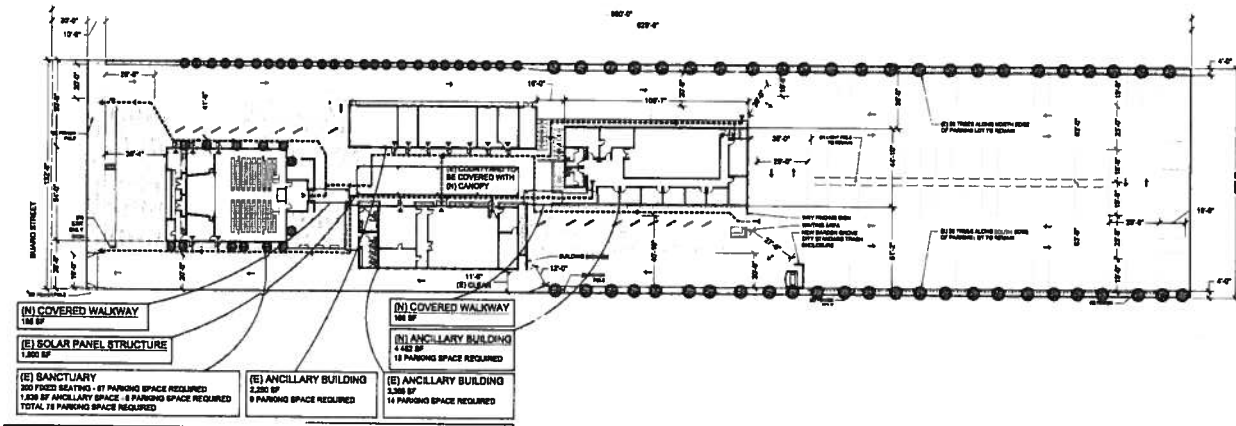


Figure 1, Site Plan

PROJECT STATISTICS:

	Provided	R-1 Single-family Residential Code Requirement	Meets Code
Total Lot Size	83,094 S.F.	1 acre	Yes
Intensity By Lot Area	0.17 FAR	NA	Yes
Total Parking	75 for existing sanctuary 9 for north ancillary building 14 for south ancillary building 18 for new classroom building 117 total stalls	1 per 3 fixed seats; Ancillary: 1 space per 250 S.F. 116 total stalls required	Yes
Building Setbacks			Yes
Front	35'-4"	20'-0"	Yes
Rear	252'-0"	25'-0"	Yes
Side	11'-6"	10'-0"	Yes
Building Height (new building)	Accessory Structure 17'-0"	Accessory Structure 17'-0"	Yes

DISCUSSION:

The site has been used as a Christian Church for many decades and was established prior to the Conditional Use Permit requirement. The new ancillary building will support the congregation’s various educational activities, such as small group bible studies.

Currently, the congregation includes roughly 250 parishioners, including children. At peak usage (Sunday), there are three (3) worship services scheduled at different

times. There are two full-time employees, the Pastor in charge and the associate Pastor, who are in church from Tuesday to Sunday. There are also four (4) part-time associate Pastors.

Church hours are as follows:

Monday

Church is closed.

Tuesday – Thursday

5:30 a.m. – 6:30 p.m. Morning Prayer Meeting for 10-15 congregants

9:00 a.m. – 5:00 p.m. Church Office Hours with two (2) staff members on duty

Friday

5:30 a.m. – 6:30 p.m. Morning Prayer Meeting for 10-15 congregants

7:30 p.m. – 8:30 p.m. Friday evening worship for 55-60 congregants

8:30 a.m. – 9:00 a.m. Choir practice meeting for 20 choir members

9:00 a.m. – 5:00 p.m. Church Office Hours with two (2) staff members on duty

Saturday

5:30 a.m. – 6:30 a.m. Morning Prayer Meeting for 35-40 congregants

9:00 a.m. – 5:00 p.m. Church Office Hours with two (2) staff members on duty

Sunday

8:00 a.m. – 9:00 a.m. 1st Sunday Worship for 55-60 congregants

About 15 members remain at the church after 1st Sunday Worship

9:30 a.m. – 11:00 a.m. 2nd Sunday Worship for 110-120 congregants

About 20 members remain at the church after 2nd Sunday Worship

11:40 a.m. – 12:40 p.m. 3rd Sunday Worship for 30-35 congregants

All congregants leave the church at by 1:30 p.m. and only the church staff members remain

1:30 p.m. – 5:00 p.m. Church Office Hours with six (6) staff members

Site Design, Circulation & Floor Plan:

The site's existing and proposed buildings are all located in the western half of the site. The site is accessed via two one-way entry points: an entrance-only vehicular access point at the northwest corner of the site and an exit-only vehicular access at the southwest corner. Access points will be gated during non-operating hours. All internal drive aisles are one-way only.

Site improvements also include new landscaping, a trash enclosure, and the inclusion of an ADA path of travel.

Floor Plan

The new ancillary building (classroom) will include one (1) large classroom at 1,088 square feet, two (2) medium classrooms at 257 square feet each, one small classroom at 160 square feet, six (6) small classrooms at 114 square feet each, and a 210 square foot office. The remaining area will be made up of restrooms, a lobby, and hallways.

Parking

The project includes 200 fixed seats and 1,938 square feet of ancillary space in the sanctuary, along with three (3) ancillary buildings at 2,520 square feet; 3,366 square feet; and 4,482 square feet. For fixed seats within "Churches/religious institutions," the Municipal Code requires a minimum of one (1) parking space per 3 fixed seats resulting in a minimum of 67 parking spaces. For "ancillary" uses, the Municipal Code requires a minimum of one (1) parking space per 250 square feet of gross floor area resulting in a minimum of eight (8) parking spaces for the ancillary space in the sanctuary, nine (9) parking spaces for northern existing ancillary building; fourteen (14) parking spaces for the southern existing ancillary building; and eighteen (18) parking spaces for the new ancillary building. The project provides a total of one hundred seventeen (117) on-site parking spaces, of which seven (7) are EV charging stations, five (5) are ADA accessible, and one (1) is ADA van accessible. Based on the number of fixed seats and the square footage of all ancillary space, the City Code would require 116 parking spaces.

Parking Provision

Provided	Required
75 for existing sanctuary	1 per 3 fixed seats;
9 for north ancillary building 14 for south ancillary building 18 for new classroom building	Ancillary: 1 space per 250 S.F.
117 total spaces	116 total spaces required

Building Design/Architecture:

The new ancillary building will be designed to be architecturally compatible with the existing buildings. Building material will incorporate stucco, brick, and wood siding, as seen in Figures 2 and 3, New Classroom Building east and south elevations. The roof will be comprised of asphalt shingle, similar to the other church buildings.

The new 1,500 square foot shade structure will be comprised of multiple solar panels that will replace four (4) existing canopies. The new shade structure will have a length of ninety-two feet spanning the length of the courtyard.

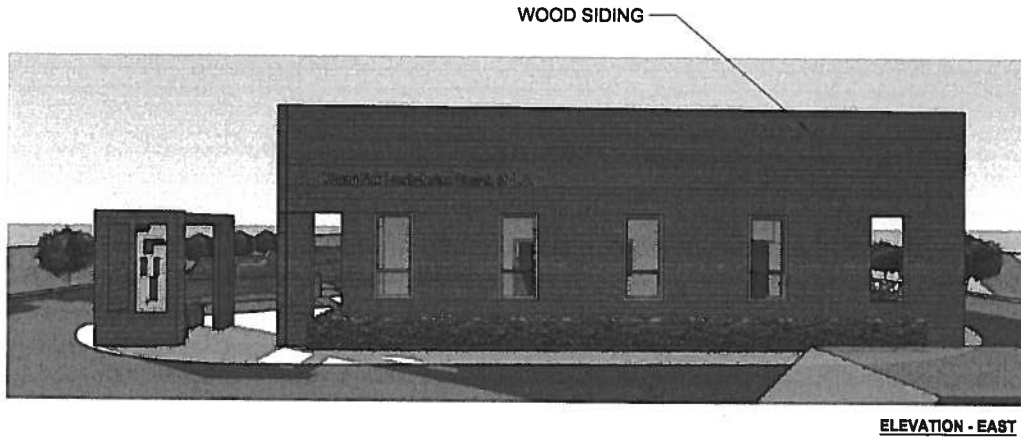


Figure 2 New Classroom Building east elevation

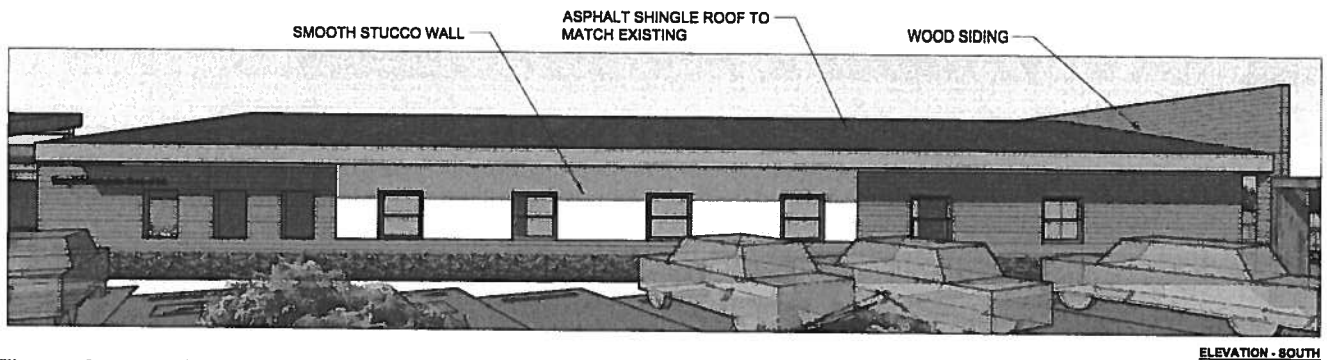


Figure 3 New Classroom Building south elevation

Landscaping:

The proposed Project meets the requirements of Code Section 9.12.040.090, Landscaping Requirements. The required landscape is 4,986 square feet; however, the Project provides 9,054 square feet of landscape, which includes 827 square feet of new plantings in the parking areas and in planters around the buildings. 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, including the City's Landscape Water Efficiency Guidelines.

California Environmental Quality Act:

The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to the Class 3 exemption for "Existing Facilities: Addition to Existing Structures" (CEQA Guidelines Section 15303). As set forth in the Class 3 exemption, the proposed project: "consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited

to: (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive."

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 5952-19 approving Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019, subject to the recommended Conditions of Approval.



Lee Marino
Planning Services Manager



By: Gena Guisar
Planning Consultant

12612 BUARO STREET
APN: 231-441-01
CUP-153-2019

Lampson Ave

SP-067-2019

CITY OF GARDEN GROVE,

Buaro St

Buaro St

Buaro St

Emrys Ave

Emrys Ave

Janet Ln

College Ave

Emrys Ave



REVISIONS

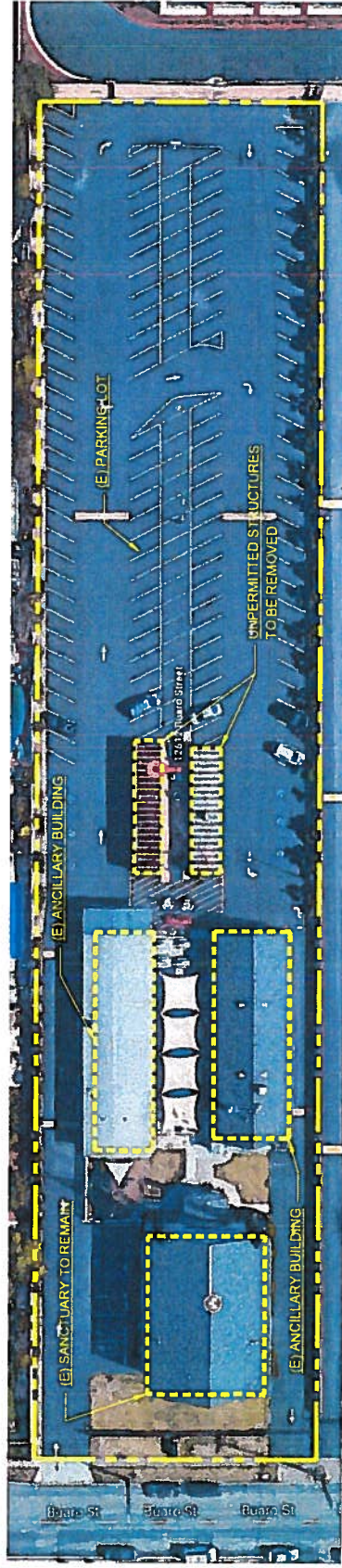
DATE	REVISION

STAMP

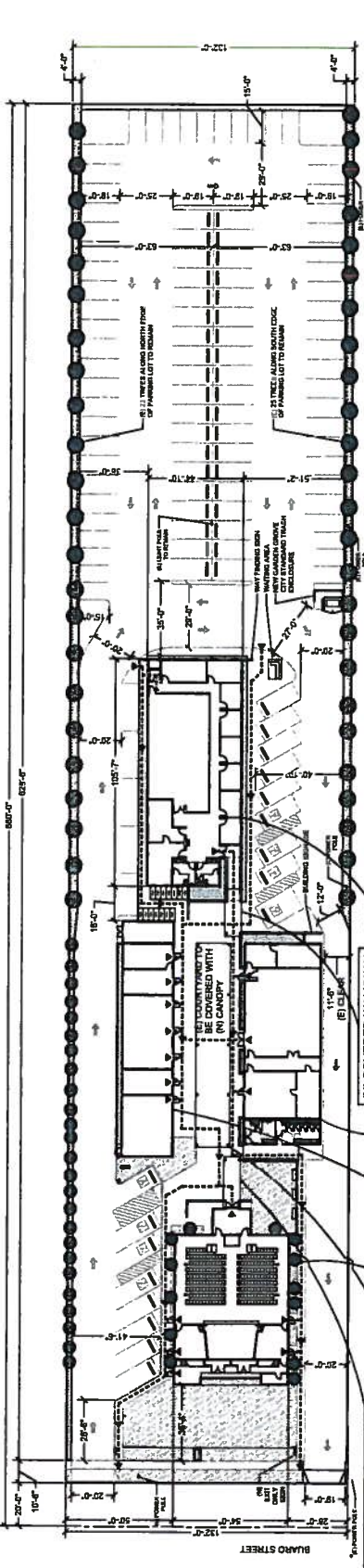
SHEET TITLE
 SITE PLAN

JOB NO. 17091
DATE 1/20/2019
SCALE 1/8" = 1'-0"
DRAWN BY SL
CHECKED BY SL

SHEET NO.
 A-1



1 EXISTING SITE PLAN
 SCALE 1/24" = 1'-0"



LANDSCAPE SUMMARY

Overall Landscaping: 10,804 SF (65.8% of 1,642)
 Existing Landscaping: 4,272 SF (26.0% of 1,642)
 New Landscaping: 6,532 SF (40.0% of 1,642)

TREE SUMMARY

Existing tree count: 86
 Required for parking: 131 (per 10 spaces)
 Existing trees to remain: 25 (29.3% of 86)
 New trees to be planted: 106 (123.1% of 86)

CONTACT INFORMATION

DRAWER:
 YOUNG NAK PRESBYTERIAN CHURCH
 OF ORANGE COUNTY CORPORATION
 12812 BUARO STREET
 GARDEN GROVE, CA 92840
 714-624-1138

APPLICANT:
 SUNG LEE
 8109 ZANON ROAD
 GARDEN GROVE, CA 92845
 714-624-1138
 sld@slddesign.com

2 PROPOSED SITE PLAN
 SCALE 1/24" = 1'-0"

PARKING ANALYSIS

118 (75 FOR (E) SANCTUARY+9 FOR (E) NORTH BLDG+14 FOR (E) SOUTH BLDG+18 FOR NEW CLASSROOM BLDG)	PROVIDED:	117
BREAKDOWN OF PROVIDED PARKING	ADA COMP:	9
ADA REQUIRED:	ADA PROVIDED:	9
EV CHARGING STATION	EV PROVIDED:	1
STANDARD:	STANDARD PROVIDED:	103 (118-5-1-7) (8% UP TO 21 COMPACT CARS (20% OF 103) SUBSTITUTION ALLOWED)
PROVIDED:	PROVIDED:	104 (80 STANDBY PARKING, 8 PARALLEL PARKING AND 18 COMPACT CAR PARKING)

(E) SOLAR PANEL STRUCTURE
 1,500 SF
 200 FIXED SEATING - 89 PARKING SPACE REQUIRED
 1,500 SF ANCILLARY SPACE - 9 PARKING SPACE REQUIRED
 TOTAL: 76 PARKING SPACE REQUIRED

(E) ANCILLARY BUILDING
 5,200 SF
 9 PARKING SPACE REQUIRED

(E) ANCILLARY BUILDING
 1,642 SF
 18 PARKING SPACE REQUIRED

(N) COVERED WALKWAY
 100 SF
 10 PARKING SPACE REQUIRED

(N) COVERED WALKWAY
 100 SF
 10 PARKING SPACE REQUIRED

(N) ANCILLARY BUILDING
 4,482 SF
 16 PARKING SPACE REQUIRED

(E) SANCTUARY TO REMAIN
 1,642 SF
 18 PARKING SPACE REQUIRED

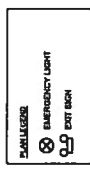
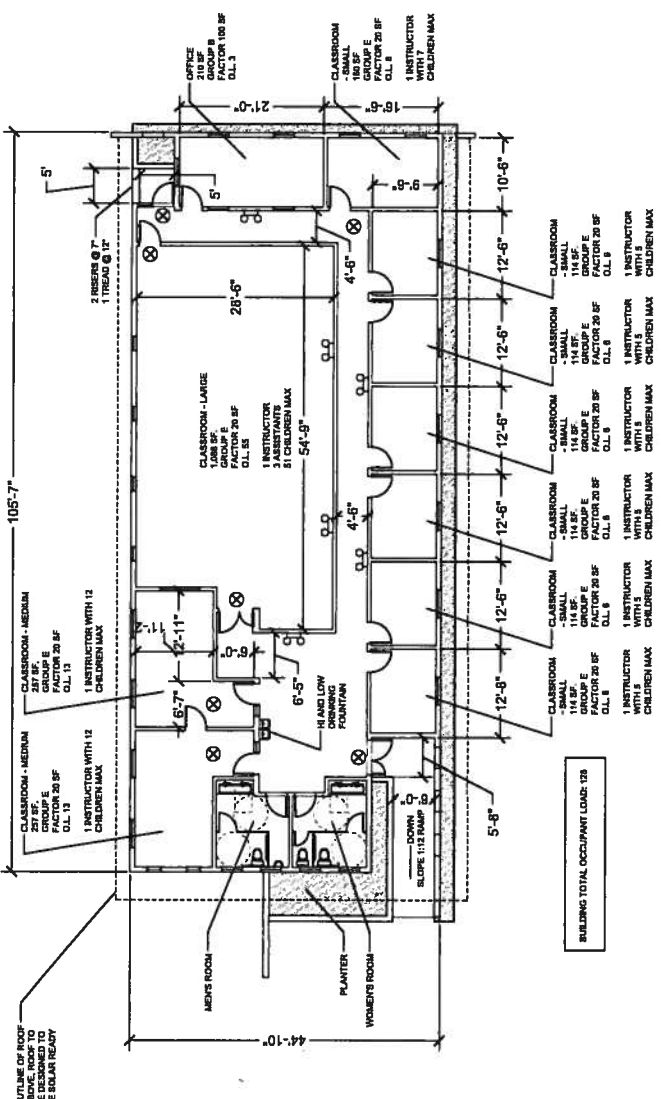
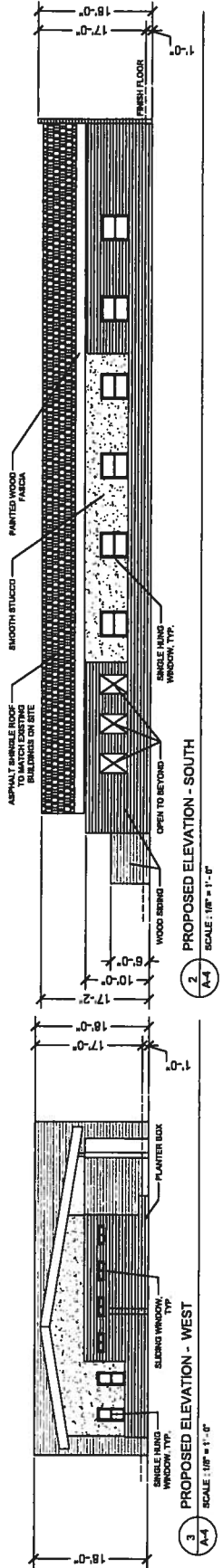
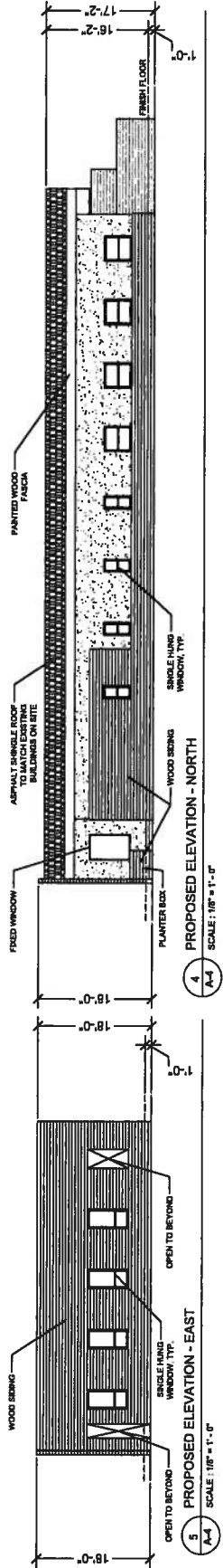
REVISIONS	DATE	REMARK

STAMP

SHEET TITLE
 ENLARGED FLOOR
 PLAN &
 ELEVATIONS

USE NO.	1299
DATE	02/20/18
SCALE	AS SHOWN
DRAWN BY	SL

SHEET NO.



OUTLINE OF ROOF ABOVE ROOF TO BE MOVED TO BE SOLAR READY



12612 BUARO STREET GARDEN GROVE, 92840
YOUNG NAK PRESBYTERIAN CHURCH OF ORANGE
CLASSROOM ADDITION EXTERIOR DESIGN

WOOD SIDING

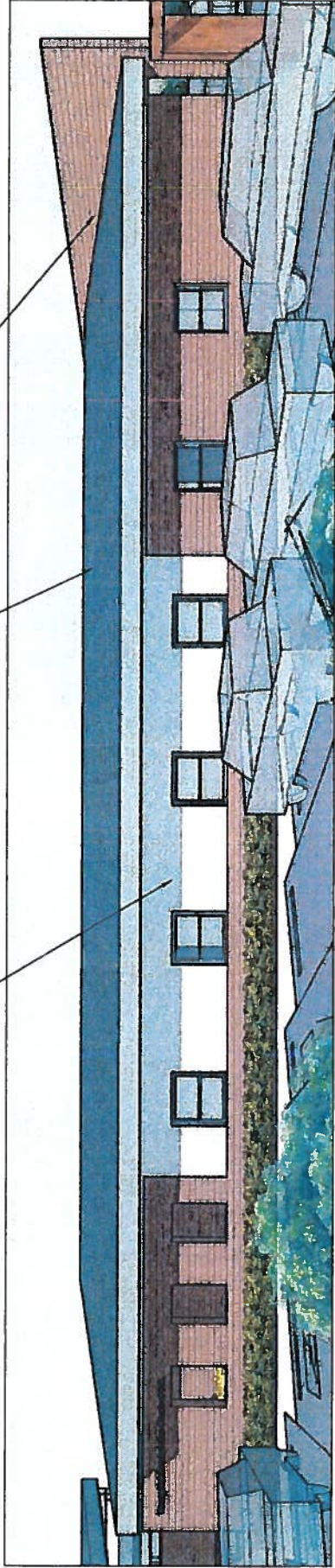


ELEVATION - EAST

WOOD SIDING

ASPHALT SHINGLE ROOF TO MATCH EXISTING

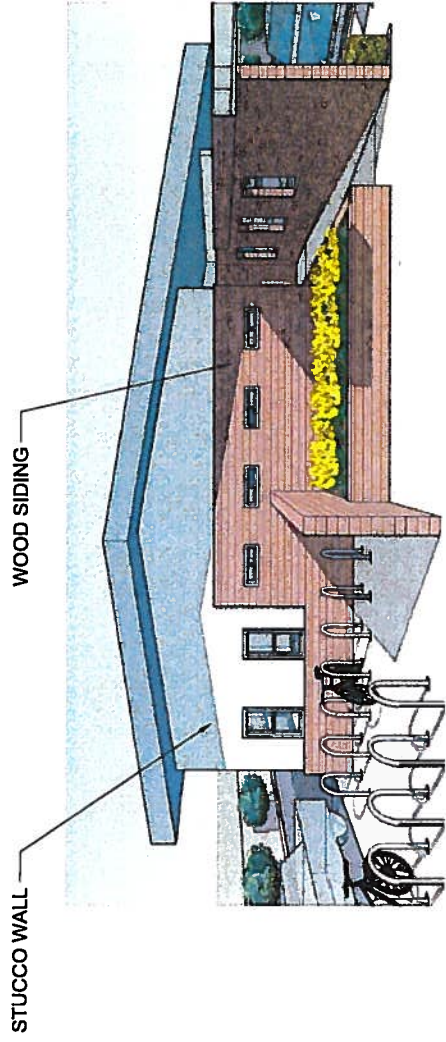
SMOOTH STUCCO WALL



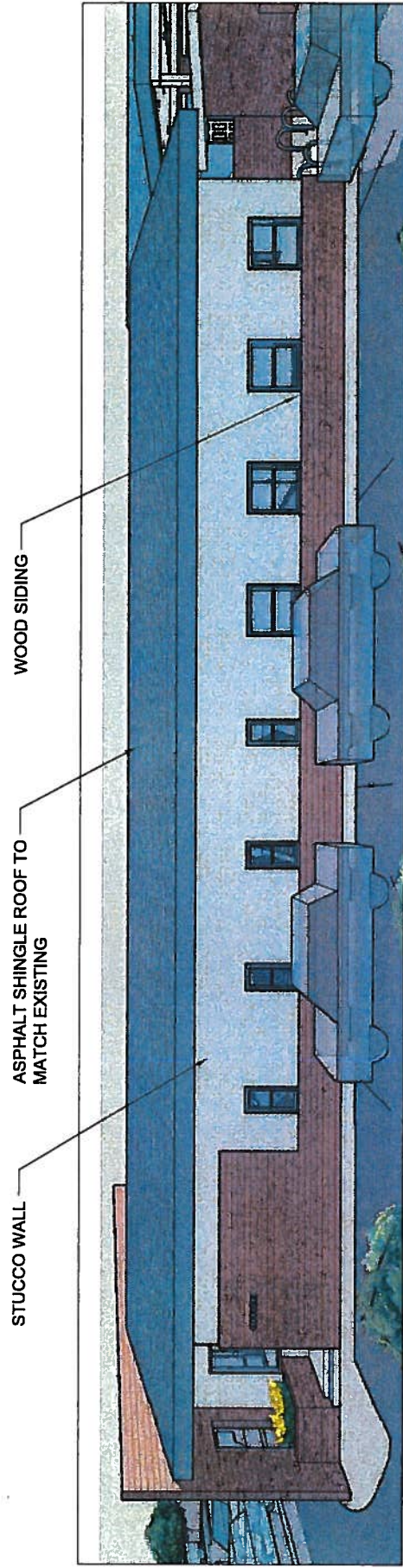
ELEVATION - SOUTH

12612 BUARO STREET GARDEN GROVE, 92840
YOUNG NAK PRESBYTERIAN CHURCH OF ORANGE
CLASSROOM ADDITION EXTERIOR DESIGN

SLD
Sung Lee Design
1180 AVENUE 100, SUITE 100, COSTA MESA, CA 92626
TEL: 714.768.7777



ELEVATION - WEST



ELEVATION - NORTH

RESOLUTION NO. 5952-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-067-2019 AND CONDITIONAL USE PERMIT NO. CUP-153-2019, FOR A PROPERTY LOCATED ON THE EAST SIDE OF BUARO STREET, SOUTH OF EMRYS AVENUE AT 12612 BUARO STREET, ASSESSOR PARCEL NO. 231-441-01.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on April 4, 2019, approved Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Sung Lee (the "Applicant").
2. The owner of the subject parcel is Kyung Sup Kim.
3. The applicant is requesting Site Plan approval to construct a new 4,482 square foot ancillary building within an existing church campus located at 12612 Buaro Street, along with approval of a Conditional Use Permit to operate a 3,918 square foot sanctuary space with 200 fixed seats (1,938 square foot ancillary space) along with two (2) ancillary buildings. The Site Plan request also includes parking lot slurry coat and re-striping, and a trash enclosure.
4. The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to the Class 3 exemption for "Existing Facilities: Addition to Existing Structures" (CEQA Guidelines Section 15303). As set forth in the Class 3 exemption, the proposed project: "consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to: (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive." Specially, the proposed project consists of the construction of a new 4,482 square foot ancillary building and a small trash enclosure, along with cosmetic parking lot improvements, within an existing development.

5. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family residential).
6. The existing land use, zoning, and General Plan designations of properties in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on April 4, 2019, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of April 4, 2019.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.32.030 and 9.40.190 are as follows:

FACTS:

The subject site (the "property") is an 83,094 square foot (1.91 acre) lot (APN: 231-441-01) located on the east side of Buaro Street, south of Emrys Avenue, at 12612 Buaro Street. The property has a General Plan Land Use Designation of Low Density Residential (LDR) and is zoned R-1 (Single-Family Residential). The property is adjacent to R-1 zoned properties to the west and north, PUD 126-10 to the east (Great Wolf Lodge) and PUD 121-98 to the south (Multiple-Family Residential).

The existing church was established prior to the requirement for a Conditional Use Permit and the use was considered a legal nonconforming use until now; however, the Site Plan review request for the new ancillary building necessitates the need for a Conditional Use Permit in order to conform to the Code, therefore a CUP is part of this request.

The church campus is currently made up of five (5) existing buildings, drive aisles, parking, and landscaping. A 3,918 square foot sanctuary is located at the west end of the site fronting Buaro Street. The sanctuary will be improved with 200 fixed seats, and currently contains a 201 square foot foyer, restrooms, and 1,938 square feet of storage. Just east of the sanctuary are two (2) ancillary buildings used for educational purposes (Sunday school), which are 2,250 square feet and 3,366 square feet. Two (2) unpermitted structures will be demolished and replaced with a new 4,482 square foot ancillary (classroom) building. Four (4) canopies have been removed and are in the process of being replaced with a new 1,500 square foot solar panel structure, which spans the length of the courtyard between the existing ancillary buildings. The existing access points, drive aisles, and surface parking will

be improved with a new slurry coat, and parking will be restriped. The existing landscaping will be supplemented by 827 square feet of additional plantings.

The new ancillary building will be designed to be architecturally compatible with the existing church buildings. Building material will incorporate stucco, brick, and wood siding. The roof will be comprised of asphalt shingle, similar to the other church buildings.

The new shade structure will be comprised of multiple solar panels and will span the length of the courtyard.

As conditioned, the Project will satisfy all required standards and provisions pertaining to landscaping.

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 subject site has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The project is consistent with both the Low Density Residential General Plan designation and R-1 zone since it proposes a church facility that serves the neighborhood and surrounding community. Therefore, the proposed project fulfills the goals and policies of the General Plan and Land Use Code by creating a public facility that serves the existing residential neighborhood.

The design and improvement of the proposed project is consistent with the spirit and intent of the General Plan, through its goals, policies, and implementation programs, including specifically:

LU-2.6 - Ensure that every neighborhood has a unique community image that is incorporated and reflected in public facilities, streetscapes, signage, and entryways proposed for each neighborhood. The Project is a quasi-public facility (church) serving the neighborhood and surrounding community.

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 Project meets the parking requirements of the Municipal Code by providing 117 parking spaces. The City Code requires 116 parking spaces based on the number of fixed seats and square footage of ancillary space.

Internal vehicular circulation consists of one-way drive aisles, and Project entries are gated during non-operating hours.

Furthermore, the City's Fire Department has also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets should there be an emergency.

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 proposed development provides landscaping and proper site grading in order to improve drainage in the area. The Public Works Engineering and Water Services Division have reviewed the 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 proposed project has been designed to provide one-way drive lanes and a parking layout that enables vehicles to maneuver safely through the site. Sufficient on-site parking is provided to accommodate church parishioners and staff. Issues raised by the project have been addressed in the project design and the appropriate conditions of approval included by the Public Works Department will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels, and will ensure that the project will not adversely impact the City's ability to perform its required public works functions.

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

The proposed project is compatible with the surrounding residential and commercial uses, and improvements in the surrounding area. Site improvements will include new landscaping, a new slurry coat of the parking lot and Project accessways. The site improvements will maintain a reasonable degree of physical, functional, and visual compatibility with neighboring uses and the desirable neighborhood characteristics. Therefore, the proposed project is consistent with the surrounding area and compatible with the existing uses on the properties.

CONDITIONAL USE PERMIT:

- 1. The proposed use will be consistent with the City’s adopted General Plan and Redevelopment Plan.

The church use is a quasi-public use serving as an important community resource and is consistent with the City’s General Plan.

LU-2.6 - Ensure that every neighborhood has a unique community image that is incorporated and reflected in public facilities, streetscapes, signage, and entryways proposed for each neighborhood. The Project is a quasi-public facility (church) serving the neighborhood and surrounding community.

- 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 church and associated educational uses are compatible with the existing residential and commercial uses in the area. Additionally, operation of the church is not anticipated to impact parking in the area since there is adequate on-site parking to support the church and associated educational uses. The church is subject to all provisions of Section 9.08.020.050 of the Garden Grove Municipal Code and the conditions of approval, which will minimize potential impacts to property and persons residing or working in the surrounding area.

- 3. 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 church site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed use and is integrated with the other uses in the surrounding area. No additional yards, walls, fences, parking or loading facilities, or landscaping are required. The Public Works Department has reviewed the plans and all appropriate conditions of approval to minimize adverse impacts to surrounding areas have been incorporated.

Based on the number of fixed seats and the square footage of all ancillary space, the City Code would require 116 parking spaces. The project provides a total of one hundred seventeen (117) on-site parking spaces, of which seven (7) are EV charging stations, five (5) are ADA accessible, and one (1) is ADA van accessible. The project includes 200 fixed seats and 1,938 square

feet of ancillary space in the sanctuary, along with three (3) ancillary buildings at 2,520 square feet; 3,366 square feet; and 4,482 square feet.

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 Buaro Street and is accessed via two one-way entry points: an entrance-only vehicular access point at the northwest corner of the site and an exit-only vehicular access at the southwest corner. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

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 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. The Conditional Use Permit possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section, 9.32.030.
3. 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-067-2019 and Conditional Use Permit No. CUP-153-2019.

EXHIBIT "A"

Site Plan No. SP-067-2019 Conditional Use Permit No. CUP-153-2019

12612 Buaro Street
(Assessor's Parcel No. 231-441-01)

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. The applicant shall provide the City with a copy of the recorded Notice within ten (10) days of its recordation.
2. All Conditions of Approval set forth herein, or contained in Resolution No. 5952-19, 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, Sung Lee, 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. Except for minor modifications approved by the Community and Economic Development Director pursuant to Condition No. 4, below, any changes to the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019.
3. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Site Plan, Conditional Use Permit, and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project, approved site plan, floor plan, 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.
5. All conditions of approval shall be implemented at the applicant's expense, except where otherwise expressly specified in the individual condition.

6. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative, wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences. Provide a lighting plan for review and approval by the Planning Services Division prior to issuance of a building permit.
7. 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 Building and Safety Division Plan Check. The project shall also be subject to the following:
 - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
 - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall be screened to the satisfaction of the Community and Economic Development Department.
 - 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. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - d. All ground, roof, or wall-mounted mechanical equipment shall be screened from public view from adjacent properties and the public right-of-way and shall also be screened, to the extent feasible, from on-site areas.

Public Works Engineering Division

8. The applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
9. The Building Division shall determine the need for a grading plan.

Public Works Streets Division

10. Construction Waste Management Plan (CWMP) / Weigh ticket(s) will be required.

Building and Safety Division

11. Project shall comply with the 2016 CA Building Code (CBC), CA Mechanical Code (CMC), CA Plumbing Code (CPC), CA Electrical Code (CEC), CA Green Building Standards Code (CGBSC) and the 2016 CA Building Energy Efficiency Standards.
12. All exterior and interior accessibility requirements shall comply with CBC Chapter 11B as follows:
 - a. Provide restrooms/bathrooms complying with CBC Chapter 11B, Division 6.
 - b. Special rooms, spaces and elements shall comply with CBC Chapter 11B, Division 8.
 - c. Provide interior accessible route to all rooms and spaces complying with CBC Chapter 11B, Division 4.
 - d. Building blocks shall comply with CBC Chapter 11B, Division 3.
 - e. Provide and identify all exterior path of travel connecting all buildings.
13. Provide building height and area analysis complying with CBC Chapter 5; clearly identify if occupancies are separated or non-separated per CBC Section 508.
14. Fire separation distance for exterior walls shall comply with CBC Chapter 6 and Table 602.
15. All fire-rated construction shall be in accordance with CBC Chapter 7.
16. Occupancy classification of the proposed ancillary building shall be in accordance with CBC Section 305.
17. A soils report is required for this project.
18. 15% of the proposed building roof area shall be designated as "solar ready."
19. Accessible parking and EV parking identification and markings shall comply with CBC Chapter 11 B.
20. Fire sprinkler and fire alarms shall be provided in accordance with CBC Chapter 9.

Garden Grove Fire Department

21. At least two (2) new fire hydrants shall be installed on site, per fire red lines.
22. Provide exit plan, hydrants, and emergency lights on plans.
23. The Garden Grove Fire Department turning radius and access shall be shown in CAD on the plans.

Garden Grove Code Enforcement

24. No storage of vehicles or recreational/auxiliary vehicles (boats/trailers) will be permitted.

Public Works Water Services Division

Sewer Status:

The sewer capacity at this location is sufficient.

25. If any new water services are needed, installations 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. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
26. Water meters shall be located within the City right-of-way. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and BE inspected by approved Public Works inspection.
27. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
28. 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 Division. Contact Water Engineering for additional requirements for plan submittal at (714) 741-5346.

29. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.

Community & Economic Development Department

30. This approval shall be for the expansion of an existing church to include the construction of a 4,482 square foot ancillary classroom building and associated site improvements.
31. The finishes and color of new structures shall match existing structures. Materials and color samples shall be submitted to the Planning Division prior to issuance of building permits.
32. The applicant shall submit a complete and detailed landscaping plan with irrigation systems included for review and approval by the Community & Economic Development Department prior to the issuance of a building permit. Drought tolerant plantings are encouraged. The landscape plan shall include the type (both common and botanical names), size, location, and quantity of all proposed plant material. The proposed landscaping shall be planted prior to the finalization of the building permit. The plan shall be consistent with the landscape requirements set forth and/or incorporated in the Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance, associated Water Efficiency Guidelines, and all recent applicable revisions from the State of California on water conservation measures. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. Subsurface systems are encouraged. The irrigation plan for any new trees shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used, they shall be low-flow/precipitation sprinkler heads for water conservation.
 - b. All landscape areas are the responsibility of the applicant/property owner(s).
 - c. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is also to be inclusive of any applicable Water Quality Management Plan (WQMP), the Orange County Drainage Area Management Plan (DAMP), and/or other water conservation measures applicable to this type of development.

- d. 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. All proposed trees, planted within fifteen feet (15') of any public right of way, shall be non-fruit bearing, evergreen trees that require minimal maintenance.
33. The applicant shall abate all graffiti vandalism on or within the subject site. Best Management Practices shall be incorporated in the management of the site to deter and/or abate any graffiti vandalism throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
34. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
 - a. Monday through Saturday - not before 7:00 a.m. and not after 8:00 p.m. (of the same day).
 - b. Sunday and Federal Holidays - may work same hours, but subject to noise restrictions as established in section 8.47.010 of the Municipal Code.
35. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters and the use of low-sodium parking lot lights to ensure compliance with Title 24.
36. Building colors and material samples shall be submitted to the Planning Division for review and final approval prior to issuance of building permits.
37. A copy of the resolution approving Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019, including these Conditions of Approval, shall be kept on the premises at all times.
38. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019 and his/her agreement with all conditions of the approval.

39. 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-067-2019 and Conditional Use Permit No. CUP-153-2019. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney and shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
40. 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-067-2019 and Conditional Use Permit No. CUP-153-2019 has begun.
41. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the rights granted by this approval of Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019 shall become null and void if construction of the project is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-067-2019 and Conditional Use Permit No. CUP-153-2019 shall expire if the building permits for the project expire.

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

To: Planning Commission

From: Lisa L. Kim

Dept:

Dept: Community & Economic
Development

Subject: REVIEW OF CODE OF ETHICS

Date: April 4, 2019

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

Accordingly, the Code of Ethics is scheduled for your formal review at the Commission meeting of April 4, 2019. There is no resolution required; rather, your action will be documented in the minutes of the meeting.



LISA L. KIM
Community and Economic Development Director

Attachment: Municipal Code Chapter 2.02

Chapter 2.02 CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

2.02.005 Code Review

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

2.02.010 Declaration of Policy

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

2.02.020 Responsibilities of Public Office

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

2.02.030 Dedicated Service

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

2.02.040 Fair and Equal Treatment

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

2.02.050 Use of Public Property

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

2.02.060 Obligations to Citizens

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

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

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

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

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

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

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

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

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

2.02.070 Disclosure of Interest and Disqualification

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

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

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

2.02.080 Compliance with State Law

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

2.02.090 Violations—Actions

The violation of any provision of this chapter shall be:

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

2.02.100 State Laws—Control

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

2.02.110 Violations—Penalty

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