



AGENDA

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

SEPTEMBER 5, 2019

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

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

ROLL CALL: CHAIR LEHMAN
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. SELECTION OF VICE CHAIR
- B. ORAL COMMUNICATIONS - PUBLIC
- C. APPROVAL OF MINUTES: August 15, 2019
- D. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - D.1. CONDITIONAL USE PERMIT NO. CUP-164-2019

APPLICANT: DIAMOND-STAR ASSOCIATES, INC. (CHRIS LAMM)
LOCATION: EAST SIDE OF CLINTON STREET, SOUTH OF
WESTMINSTER AVENUE, NORTH OF KEEL AVENUE AND
WEST OF BUENA STREET AT 12600 WESTMINSTER
AVENUE, UNITS D AND E

REQUEST: Conditional Use Permit approval to operate contractor storage yard, Erickson-Hall Construction, within a 6,639 square foot tenant space located in a multiple-tenant industrial development. The tenant space includes 1,988 square feet of administrative office and 4,651 square feet of warehouse storage for construction supplies and materials. The site is in the Planned Unit Development No. PUD-102-86 (REV. 86) zone.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-164-2019. 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 15301 – Existing Facilities.

D.2. SITE PLAN NO. SP-073-2019

APPLICANT: FRANK LE

LOCATION: WEST SIDE OF LOUISE STREET, BETWEEN ACACIA AVENUE AND GARDEN GROVE BOULEVARD AT 12931 LOUISE STREET

REQUEST: Site Plan approval to demolish all existing on-site improvements, which include an existing single-family residence and two (2) detached accessory structures, and to construct four (4) new two-story apartment units, along with associated site improvements, on a 14,967 square foot lot. The site is in the GGMU2 (Garden Grove Boulevard Mixed Use 2) zone.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-073-2019. 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(b) – New Construction or Conversion of Small Structures.

D.3. AMENDMENT NO. A-025-2019

APPLICANT: CITY OF GARDEN GROVE

LOCATION: CITYWIDE

REQUEST: A request by the City of Garden Grove to amend Section 9.04.060 of the Garden Grove Municipal Code to add definitions for terms used in existing portions of Title 9 pertaining to the Flood Hazard Overlay Zone to meet minimum requirements of the National Flood Insurance Program.

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-025-2019 to City Council. 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 15061(b)(3) – Review for Exemption.

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, August 15, 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: Vice Chair Kanzler (resigned), Commissioner Perez

PLEDGE OF ALLEGIANCE: Led by Commissioner Ramirez.

ORAL COMMUNICATIONS – PUBLIC – None.

August 1, 2019 MINUTES:

Action: Received and filed.
Motion: Le Second: Soeffner
Ayes: (5) Le, Lehman, Nguyen, Ramirez, Soeffner
Noes: (0) None
Absent: (2) Kanzler, Perez

PUBLIC HEARING – None.

ITEM FOR CONSIDERATION – STREET VACATION NO. SV-001-2019, FOR THE PROPERTY LOCATED AT 12821 KNOTT STREET, AT THE SOUTHERLY PORTION OF BRADY WAY, SOUTH OF STANFORD AVENUE, AND ADJACENT TO INDUSTRIAL FACILITY.

Applicant: CITY OF GARDEN GROVE
Date: August 15, 2019

Request: A request for the Planning Commission to find and report to the City Council, pursuant to Government Code Section 65402, that the

proposed vacation and disposition of the southern portion of Brady Way, south of Stanford Avenue, by the City of Garden Grove, is in conformity with the General Plan. 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 15304 (Class 4 Categorical Exemption - Minor Alterations to Land), Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical changes to the environment, directly or indirectly.

Action: Resolution No. 5962-19 was approved.

Motion: Ramirez Second: Soeffner

Ayes: (5) Le, Lehman, Nguyen, Ramirez, Soeffner

Noes: (0) None

Absent: (2) Kanzler, Perez

MATTERS FROM COMMISSIONERS: Commissioner Soeffner asked when Steelcraft will be open for business.

Staff responded mid-September.

MATTERS FROM STAFF: Staff announced tentative items for the September 5, 2019, meeting that include: a Conditional Use Permit for a contracting business located on the south side of Westminster Boulevard, east of Clinton Street; a Site Plan for the construction of a four unit apartment complex on Louise Street; a Code Amendment to add definitions to the Flood Zone Ordinance to be compliant with the Federal Emergency Management Agency. Vice Chair Kanzler notified the City and officially resigned from the Planning Commission, which was acknowledged by the City Council at their meeting on August 13, 2019. The next Planning Commission meeting will list a selection of a Vice Chair on the agenda.

ADJOURNMENT: Chair Lehman adjourned the meeting at 7:15 p.m. The next Regular Planning Commission Meeting will be on Thursday, September 5, 2019, at 7:00 p.m., in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Teresa Pomeroy, CMC
City Clerk

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1.	SITE LOCATION: South side of Westminster Avenue, between Buena and Clinton Streets, at 12600 Westminster Avenue, Units D & E
HEARING DATE: September 5, 2019	GENERAL PLAN: Industrial
CASE NO.: Conditional Use Permit No. CUP-164-2019	ZONE: PUD-102-86 REV. 86
APPLICANT: Chris Lamm (Diamond-Star Associates, Inc.)	CEQA DETERMINATION: Exempt - 15301 - Existing Facilities
PROPERTY OWNER: Corporate Investment, LLC	APN: 198-111-33

REQUEST:

The applicant is requesting Conditional Use Permit (CUP) approval to operate a 6,639 square foot contractor's storage yard, Erickson-Hall Construction, within an existing industrial tenant space. The proposal will support Erickson-Hall's Orange County regional business operation as a construction company specializing in institutional, public, and educational facilities.

BACKGROUND:

The site is improved with a multi-unit industrial park, commonly known as the Buena-Clinton Center, located on the south side of Westminster Avenue, between Buena and Clinton Streets. The multiple-tenant industrial center includes offices, warehousing, and limited industrial uses. The specific space under application is a combined 6,639 square foot tenant space located on the west side of the industrial park. As a part of their proposal, the applicant is consolidating Units D and E. The two units in question are currently unoccupied, according to the City's Business Tax records.

The Buena-Clinton Center is operated as a condominium industrial park. Pursuant to Parcel Map No. PM-2007-135, and Site Plan No. SP-426-07, the development was allowed to convert to condominiums, allowing tenant spaces to be owned individually. Erickson-Hall Construction purchased Units D and E with the sole intent of opening their construction management business at that location.

The property is zoned as Planned Unit Development No. PUD-102-86 (REV. 86), and has a General Plan Land Use Designation of Industrial. The subject condo unit is adjacent to R-3 (Multiple-Family Residential) zoned properties to the south across

Keel Avenue, C-1 (Neighborhood Commercial) zoned properties to the north, PUD-102-86 (REV. 86) zoned properties to the east, and industrial uses in the City of Santa Ana to the west, across Clinton Street. Further to the north, across Westminster Avenue, are residential properties zoned R-3 and Planned Unit Development No. PUD-101-92.

Planned Unit Development No. PUD-102-86 (REV. 86) allows the same uses as the M-1 (Limited Industrial) zone, with a few specified exceptions, such as automotive repair, vehicle storage, and tire recapping, amongst others. The M-1 zone is intended to provide for small- and medium-size industrial uses that are generally compatible with one another, and are not adverse to adjacent residential and commercial uses. According to the Garden Grove Municipal Code, contractor storage yards are permitted in the M-1 zone, subject to a Conditional Use Permit.

DISCUSSION:

The Erickson-Hall Construction Company has been serving Orange, San Diego, Imperial, and Riverside Counties since 1998 on a wide range of construction-related services. This includes general contracting, construction management, and design-build projects, amongst many other services. In particular, the company is well renowned for specializing in construction projects for schools, hospitals, essential services, parks, churches, and public buildings.

The condo unit property will use 1,988 square feet (approximately 30%) of the floor area as a regional office, serving all of Erickson-Hall's construction projects across Orange County. Tenant improvements include: the creation of openings between the two existing units, the reconfiguring of existing offices, the addition of new offices, alterations to the existing restrooms, the addition of employee support facilities, and the reconfiguring of the warehouse areas. The proposed floor plan includes seven (7) office spaces, an open-concept office area, a lobby area, two (2) restrooms, a break room, and a copy/server room. The offices and support facilities will be used by field employees when they are not on a job site. Erickson-Hall's corporate office in the San Diego region will remain as their base of operations, providing all traditional business functions, including financing, accounting, and human resources. The space under application will serve only as a satellite location to the corporate office.

The remaining 4,651 square feet (approximately 70%) of the building floor area will be used as warehousing for various construction materials and products, including but not limited to: construction tools, lighting fixtures, wiring, windows, doors, furniture, solar panels, HVAC systems, and other such pre-manufactured products awaiting installation. No actual manufacturing is being proposed. All materials to be stored are finished products before they are transported to a job site for installation. Additionally, no vehicles, hazardous, or flammable materials are to be stored at the subject property. All storage will be fully inside the building, with no outside storage proposed.

The business proposes hours of operation of 7:00 a.m. to 5:00 p.m., Monday through Friday. Erickson-Hall has indicated that only eight (8) personnel will be assigned to this location. Given the nature of the business, however, there may typically only be a handful of employees at this location at a time. Furthermore, when there are no active projects in the region, the proposed office may remain closed altogether.

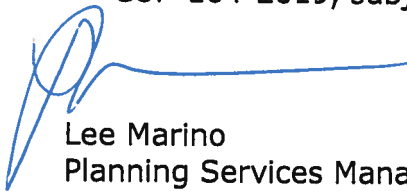
According to the Garden Grove Municipal Code, industrial uses under 20,000 square feet in gross floor area, and with less than 30% of floor area dedicated to incidental offices, are required to provide 2.25 parking spaces per 1,000 square feet. Based on this requirement, the use is required to provide 15 parking spaces. The overall site is required to provide 199 parking spaces, according to the code. It currently provides 207 parking spaces. The onsite parking is sufficient to support the proposed use.

The Community and Economic Development Department has reviewed the request, and is in support of the proposal.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

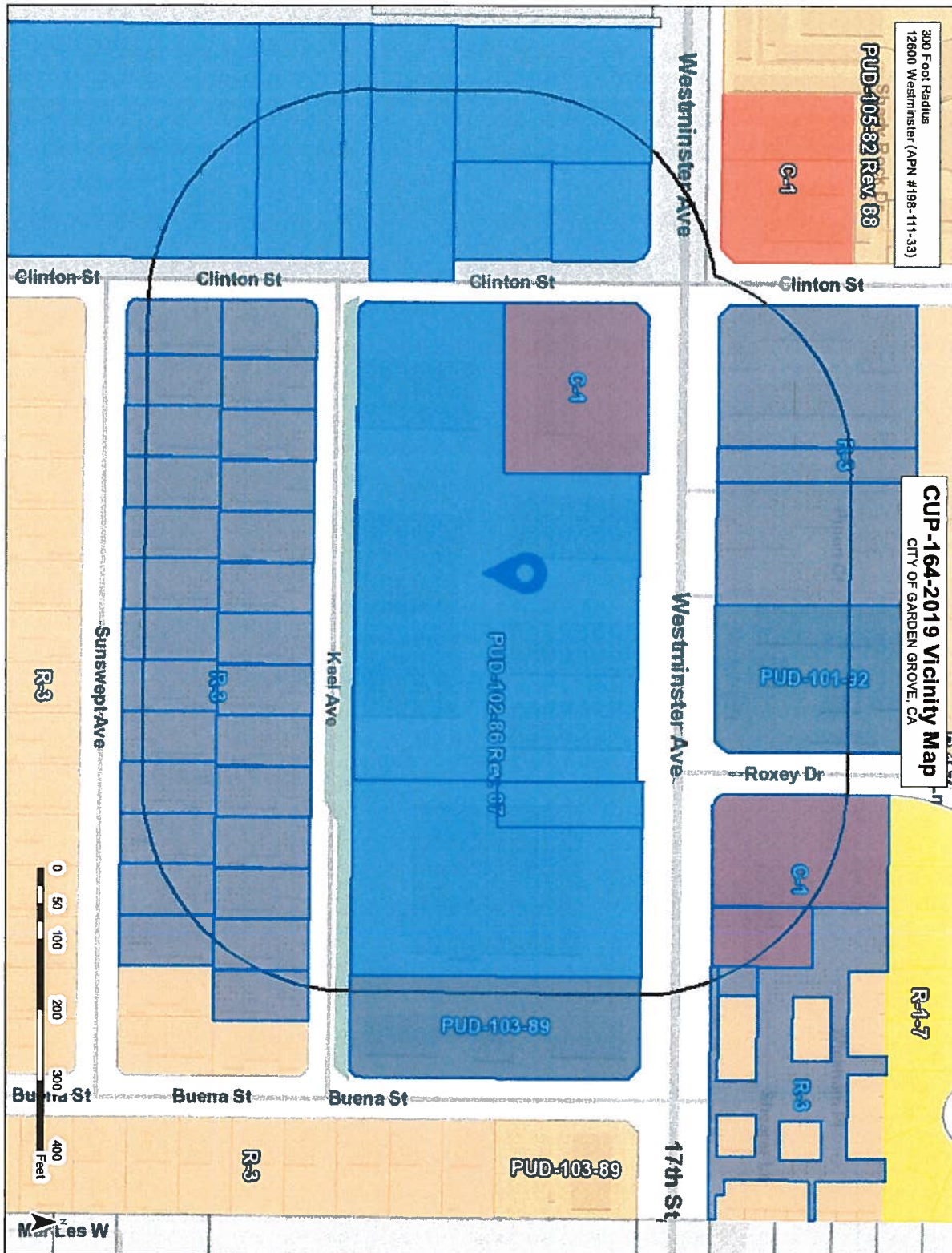
1. Adopt Resolution No. 5961-19 approving Conditional Use Permit No. CUP-164-2019, subject to the recommended conditions of approval.

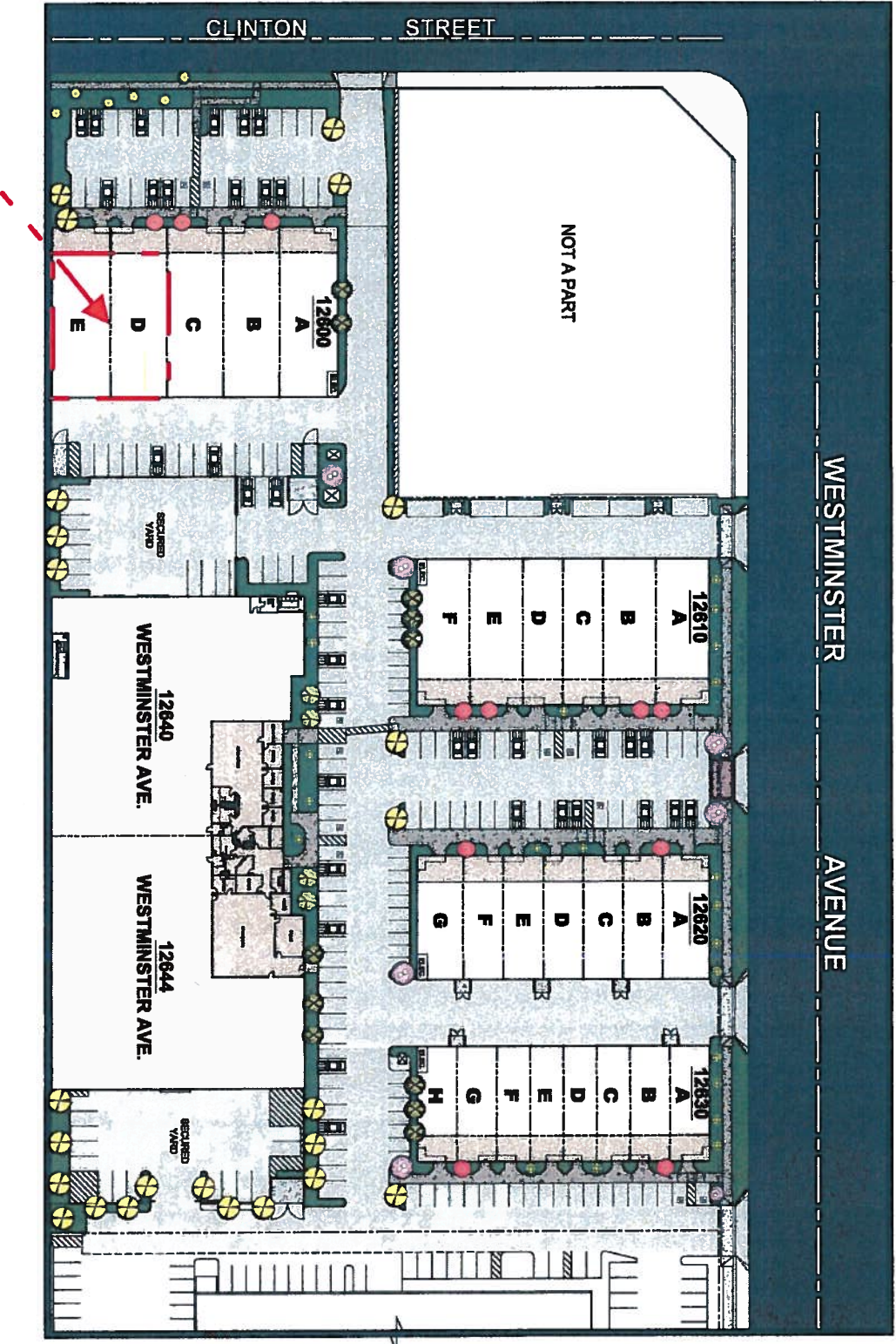


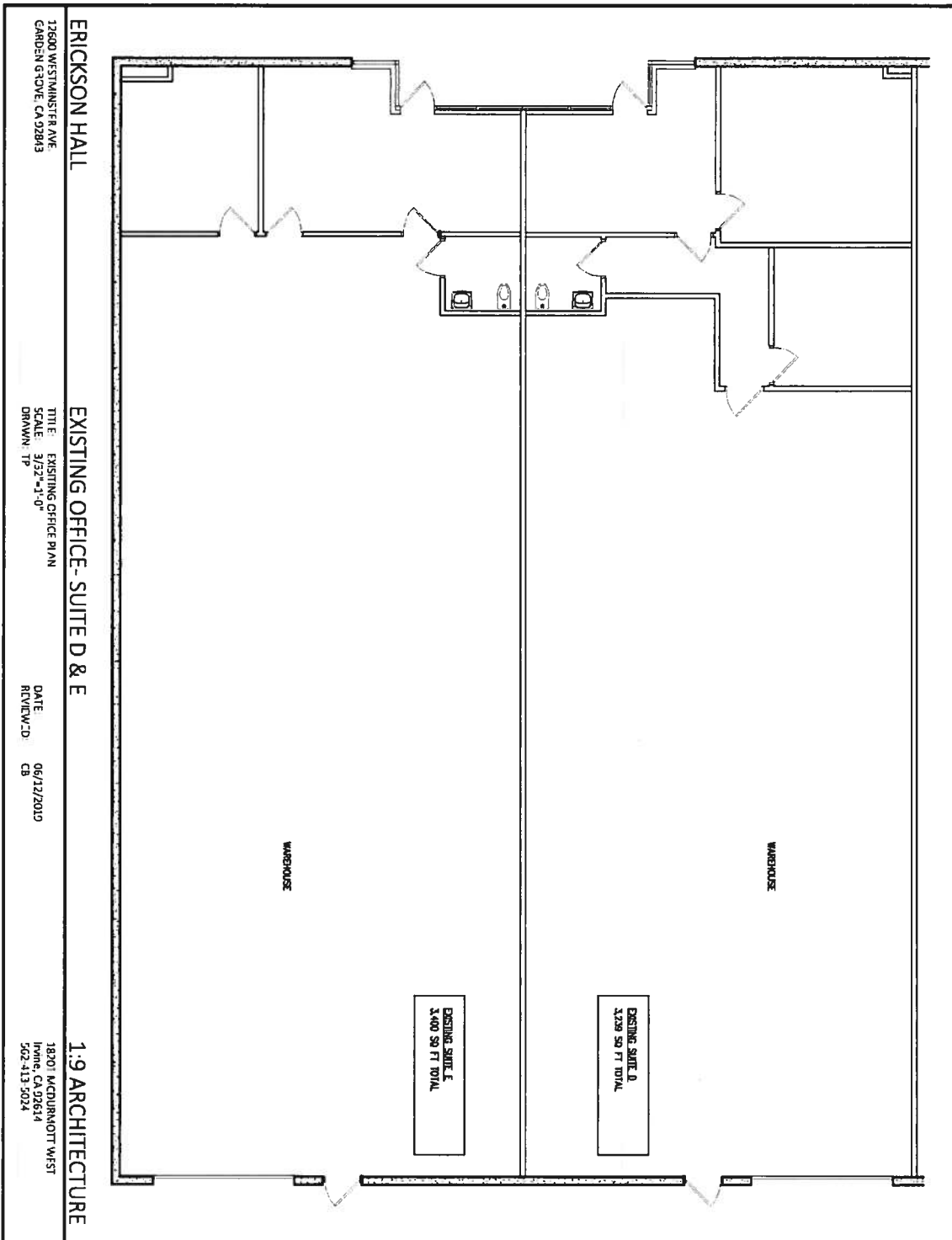
Lee Marino
Planning Services Manager



By: Priit Kaskla
Assistant Planner







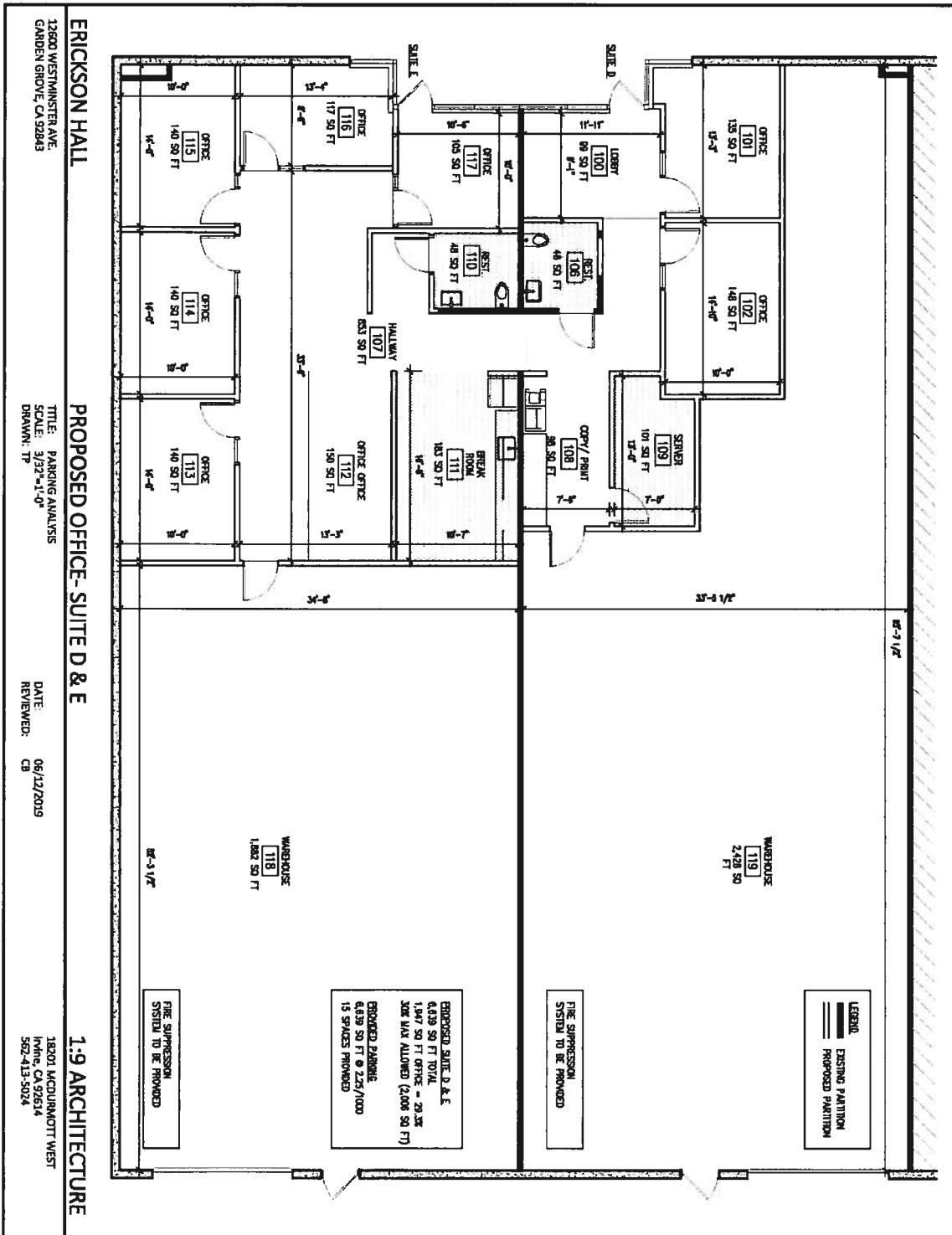
12600 WESTMINSTER AVE
GARDEN GROVE, CA 92643

ERICKSON HALL
EXISTING OFFICE - SUITE D & E
TITLE: EXISTING OFFICE P/L/V
SCALE: 3/32"=1'-0"
DRAWN: TP

DATE: 06/12/2010
REVIEW: D
CB

18201 MCDURRANT WEST
IRVINE, CA 92614
562-413-5024

1:9 ARCHITECTURE



RESOLUTION NO. 5961-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-164-2019 FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF WESTMINSTER AVENUE, BETWEEN BUENA STREET AND CLINTON STREET, AT 12600 WESTMINSTER AVENUE, UNITS D & E, ASSESSOR'S PARCEL NO. 198-111-33.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 5, 2019, does hereby approve Conditional Use Permit No. CUP-164-2019 for a property located on the south side of Westminster Avenue, between Buena and Clinton Streets, at 12600 Westminster Avenue, Units D and E.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-164-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Chris Lamm for Diamond-Star Associates, Inc., with the authorization of Corporate Investment, LLC, owner of Erickson-Hall Construction Company and 12600 Westminster Avenue, Units D and E.
2. The applicant is requesting Conditional Use Permit (CUP) approval to operate a 6,639 square foot contractor's storage yard, Erickson-Hall Construction, within an existing industrial tenant space.
3. The property has a General Plan Land Use designation of Industrial and is zoned Planned Unit Development No. PUD-102-86 (REV. 86). The subject site is comprised of one (1) parcel, with a total land area of approximately 5.29 acres. The site is improved with an existing multiple-tenant industrial development, Buena-Clinton Center, consisting of twenty-nine (29) units across five (5) buildings. Pursuant to Parcel Map No. PM-2007-135, and Site Plan No. SP-426-07, the development was allowed to convert to condominiums, allowing tenant spaces to be owned individually.
4. The proposed Project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. The report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 5, 2019, and all interested persons were given an opportunity to be heard.

8. The Planning Commission gave due and careful consideration to the matter during its meeting of September 5, 2019, and considered all oral and written testimony presented regarding the project.

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, are as follows:

FACTS:

The property is zoned as Planned Unit Development No. PUD-102-86 (REV. 86), and has a General Plan Land Use Designation of Industrial. The subject condo unit is adjacent to R-3 (Multiple-Family Residential) zoned properties to the south across Keel Avenue, C-1 (Neighborhood Commercial) zoned properties to the north, PUD-102-86 (REV. 86) zoned properties to the east, and industrial uses in the City of Santa Ana to the west, across Clinton Street. Further to the north, across Westminster Avenue, are residential properties zoned R-3 and Planned Unit Development No. PUD-101-92.

The applicant is requesting Conditional Use Permit approval to operate a new contractor storage yard for a construction management business. The Planned Unit Development No. PUD-102-86 (REV. 86), pursuant to the permitted uses in the M-1 (Limited Industrial) zone, permits Contractor Storage Yards, subject to a Conditional Use Permit.

Erickson-Hall Construction Company provides full-service construction management services, including contracting. The company specializes in institutional, civic, and public projects. The applicant is proposing to use the tenant space as a regional office, and storage of primarily pre-manufactured building materials, and tools, awaiting installation at a job site. All storage will be fully inside the building, with no outside storage proposed. The business proposes hours of operation of 7:00 a.m. to 5:00 p.m., Monday to Friday.

The tenant space has been used over the years for a variety of light industrial and warehousing uses. The subject units have existing warehouse spaces in the rear of the building. The PUD in which the subject unit is located allows for the purchase and sale of individual units.

FINDINGS AND REASONS:

Conditional Use Permit

1. The proposed use will be consistent with the City's adopted general plan.

The subject site has a General Plan Land Use Designation of Industrial and is zoned Planned Unit Development No. PUD-102-86 (REV. 86). The Industrial General Plan Designation is intended to encourage general industrial uses, such as warehousing and distribution or business parks, and more intensive industrial uses, such manufacturing, fabrication, assembly, processing, trucking, warehousing and distribution, and servicing. The Planned Unit Development zoning allows for M-1 zone uses. Contractor storage yards are a permitted use in the M-1 zone, with a Conditional Use Permit. The applicant proposes to use the tenant spaces as a contractor storage yard. The site is appropriate for the Erickson-Hall Company with plenty of storage for both equipment and materials, along with enough building space to accommodate the Orange County-based satellite office. The proposed use is consistent with the General Plan as it allows for industrial, and incidental office uses. Provided that the conditions of approval are complied with, the use is consistent with the General Plan.

2. The proposed use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area or unreasonably interfere with the use, enjoyment or valuation of property of other persons located in the vicinity. Nor will the requested use jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The property has been used for various warehousing, wholesale, and other light-industrial uses for over thirty years. The General Plan Land Use designation, Planned Unit Development standards, and zoning code permitted uses allow for contractor's storage yards. The property will serve as a base for Erickson-Hall's field employees that go out on a daily basis to their respective job sites. The Erickson-Hall Construction Company operation is consistent with the industrial business park it is located within. All storage of equipment and materials will be maintained wholly inside the tenant space, in the warehouse floor area. The office at the front of the tenant space has access to the existing parking areas along Clinton Street. The proposed use will not interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, and will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area. The applicant/business owner shall comply with the conditions of approval for the life of the project to ensure the use will be compatible with the surrounding properties.

3. The proposed site is adequate in size and shape to accommodate the development features of the proposed use so that the new use is integrated with the uses in the surrounding area.

The office will only be used for those field employees assigned to this satellite location. There is ample space for tools and construction materials to be stored wholly within the warehouse area of the tenant space. The site provides sufficient parking to serve the proposed and existing uses. The conditions of approval will minimize potential impacts to the adjoining uses. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

4. The proposed site is adequately served by public and private facilities for the use.

The site has clear access from multiple driveways located on Westminster Avenue and Clinton Street, clearly delineated drive aisles, adequate parking for all uses, and ample interior building space to accommodate all proposed aspects of the proposed business. Therefore, the proposed site is appropriate for the contractor's storage yard use and is adequately served by public and private facilities. The conditions of approval will ensure that the proposed use is adequately served.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. 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-164-2019.

EXHIBIT "A"

Conditional Use Permit No. CUP-164-2019

12600 Westminster Avenue, Units D & E

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within thirty (30) days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 6,639 square foot contractor's storage yard, 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.
4. Minor modifications to the floor plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the approved use 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 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 specified in the individual condition.

Community & Economic Development Department

6. The applicant shall comply with the adopted City Noise Ordinance at all times.
7. All construction materials and supplies shall be stored inside the building. There shall be no outside storage of materials, or vehicles, permitted in association with this business and location.
8. The trash bins shall be kept inside the trash enclosures, and gates closed at all times, except during disposal and pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site.
9. The subject business' hours of operation shall be permitted for 7:00 a.m. to 5:00 p.m., Monday through Friday. Should concerns arise as a result of these hours, the matter will be reviewed by the City, which may cause the hours to be changed.
10. No razor wire or concertina wire shall be used on any perimeter walls or fences.
11. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
12. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
13. The applicant shall maintain all landscaped areas that are adjacent to the subject tenant space in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.

14. 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.
15. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
16. 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.
17. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
18. Signs shall comply with the City of Garden Grove sign requirements. No more than fifteen percent (15%) of the total window area and clear doors shall bear advertising or signs of any sort. Any opaque material applied to the storefront, such as window tint shall count toward the maximum window coverage area.
19. 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.
20. A copy of the decision approving Conditional Use Permit No. CUP-164-2019 shall be kept on the premises at all times.
21. The applicant shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-164-2019, and his/her agreement with all conditions of the approval.
22. 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.

23. 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 departments concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
24. 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 CUP-164-2019. 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 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.

Building & Safety Division

25. The project shall comply with California Building Code (CBC) Section 11B-202.4 for path of travel requirements.
26. The proposed restrooms shall comply with CBC 11B, Division 6 requirements.
27. The accessible parking and path of travel shall comply with CBC 11B, Division 5 requirements.

Engineering Division

28. The applicant shall be subject to Traffic Mitigation Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

Water Division

29. The applicant is advised that if tenant improvements occur that affect fire service upgrades due to modifications, alterations, or new installation of the fire sprinkler system, the following conditions shall apply:
- a. New water service 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.
 - b. 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 inspected by approved Public Works inspection.
 - c. 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.
 - d. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
 - e. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
 - f. If new fire service connection is required, or any modifications/upgrades to existing fire sprinkler system are proposed, fire service shall have above ground backflow device with a double check valve assembly per City standard plan B-773. 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.

- g. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
- h. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
- i. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
- j. If needed, owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints. Only one sewer connection per lot is allowed.
- k. 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.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

AGENDA ITEM NO.: D.2.	SITE LOCATION: West side of Louise Street, between Acacia Avenue and Garden Grove Boulevard, at 12931 Louise Street
HEARING DATE: September 5, 2019	GENERAL PLAN: Residential/Commercial Mixed Use 2
CASE NOS.: Site Plan No. SP-073-2019	ZONE: GGMU2 (Garden Grove Boulevard Mixed Use 2)
APPLICANT: Frank Le	CEQA DETERMINATION: Exempt - CEQA Guidelines § 15303
PROPERTY OWNER: Dylan Dang, Phu Nguyen, Ty Tran, Tony Lam	APN NO.: 133-474-07

REQUEST:

A request for Site Plan approval to demolish all existing on-site improvements, which include an existing single-family residence and two (2) detached accessory structures, and to construct four (4) new two-story apartment units, along with associated site improvements, on a 14,967 square foot lot, located at 12931 Louise Street (Assessor's Parcel No. 133-474-07).

PROJECT STATISTICS:

	Provided	Code Requirement	Meets Code
Density	4 units	21 units per acre (max of 7 units)	Yes
Parking	13 spaces	13 spaces (minimum)	Yes
Recreation Area	2,580 S.F.	1,200 S.F. (minimum)	Yes
Building Height	26'-5"	50 feet or 4 stories	Yes
Building Setbacks			
Front	15'-0"	15'-0"	Yes
Rear	20'-0"	10'-0"	Yes
Interior Side	10'-0"	10'-0"	Yes

BACKGROUND:

The subject site is 14,967 square feet in area and is located on the west side of Louise Street, between Acacia Avenue and Garden Grove Boulevard. The site is currently improved with an existing single-family dwelling and two (2) detached structures. The site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned GGMU2 (Garden Grove Boulevard Mixed Use 2). The site abuts GGMU2 zoned properties to the north, west, south, and across Louise Street, to the east. The surrounding uses include multiple-family residential developments to the north, west, and across Louise Street, to the east, and a used car retail dealership to the south.

The applicant is proposing to demolish all existing on-site improvements, which include an existing single-family residence and two (2) detached accessory structures, and to construct four (4) new two-story apartment units, along with associated site improvements. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

DISCUSSION:

SITE PLAN:

Site Design and Circulation

The proposed development is designed to provide efficient circulation for both vehicular and pedestrian access for the four (4) proposed detached dwelling units. A new 28'-0" driveway approach will be constructed per City standards, providing access off Louise Street. The 28'-0" wide private drive aisle will provide access to the four (4) two-car enclosed garages and the five (5) uncovered guest parking stalls. No vehicular access gate is proposed.

Two (2) units are to be located on each side, north and south, of the property, with a private 28'-0" wide drive aisle, which runs down the center of the development.

Units 1 and 2 are set back 15'-0" from the easterly property line. All units provide a 10'-0" setback to the interior side property lines (northerly and southerly). Unit 3 provides a 26'-0" rear setback to the westerly property line, and Unit 4 provides a 20'-0" rear setback to the westerly property line. The project meets all minimum setback requirements of the Municipal Code.

Landscaping and Recreation Area

The Municipal Code requires a minimum amount of total landscaping for the site and a minimum amount of total open space (recreation area).

Based on zoning (GGMU2) requirements, the project is required to provide a minimum of 10% of landscaping based on the net developable area (excluding the required setbacks), which equals to a minimum of 1,332 square feet of landscaping. Excluding the required setbacks (which are required to be landscaped), the project

will provide a total of 1,499 square feet of landscaping. Therefore, the project exceeds the minimum landscaping required.

Based on the Municipal Code, for open space development standards, a minimum of 1,200 square feet (calculated at 300 square feet per unit) of open space (recreation area) is required for the entire development. All units will provide open patios on the 1st floor ranging in area between 264 square feet to 684 square feet. Additionally, the project will provide a 903 square foot communal (active) recreation area at the rear, along the westerly property line. In total, the project will provide a total of approximately 2,580 square feet of open space, which is a surplus of 1,380 square feet.

Parking

The 28'-0" wide drive aisle will provide access to each two-car enclosed garage and the uncovered guest parking spaces. Based on the Municipal Code, for minimum parking requirements, the project is required to provide a minimum of thirteen (13) parking spaces. The project will provide four (4) enclosed two-car garages and five (5) uncovered guest parking spaces, for a total of thirteen (13) parking spaces, which meets the minimum required by Code.

Unit Design

Units 1 and 2 will be two-story dwellings providing a total living area of 1,781 square feet, excluding the two-car garage. The first floor will provide 731 square feet of living area, comprised of a bedroom, a public/communal bathroom, a living room, and a kitchen. The second floor will provide 1,050 square feet of living area, comprised of three (3) bedrooms, a public/communal bathroom, a private bathroom, and a private storage room. Unit 1 and Unit 2 will provide 369 and 264 square foot private open patios on the first floor, respectively.

Unit 3 will be a two-story dwelling providing a total living area of 1,807 square feet, excluding the two-car garage. The first floor will provide 767 square feet of living area, comprised of a bedroom, a public/communal bathroom, a living room, and a kitchen. The second floor will provide 1,040 square feet of living area, comprised of three (3) bedrooms, a public/communal bathroom, a private bathroom, and a private storage room. Unit 3 will provide a 360 square foot private open patio on the first floor.

Unit 4 will be a two-story dwelling providing a total living area of 1,795 square feet, excluding the two-car garage. The first floor will provide 775 square feet of living area, comprised of a bedroom, a public/communal bathroom, a living room, and a kitchen. The second floor will provide 1,020 square feet of living area, comprised of three (3) bedrooms, a public/communal bathroom, a private bathroom, and a private storage room. Unit 4 will provide a 684 square foot private open patio on the first floor.

Building Design

The applicant has proposed a contemporary architectural style for the apartment dwelling units that exhibit stucco exteriors, decorative siding, varying window sizes, a hip roof design with tile roofing, and an effective use of articulation on the building façade and design.

Perimeter Walls and Landscaping

The development will maintain a six-foot (6'-0") high, decorative masonry block wall along the perimeter of the site, located along the westerly, northerly, and southerly property lines. Furthermore, a six-foot high wood fence will be constructed for each private patio area to provide privacy for each of the units.

All common areas of the site, excluding where walkways, drive aisles, and parking areas have been required, will be landscaped. The applicant is required to provide a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code. The Planning Division will review the type and location of all proposed plant materials. As part of the landscape plan, a variety of trees, shrubs, and flowers are required for all common and private areas. All landscaped areas will be fitted with automatic irrigation systems.

California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 3, New Construction or Conversion of Small Structures (CEQA Guidelines §15303).

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt Resolution No. 5963-19 approving Site Plan No. SP-073-2019, subject to the recommended Conditions of Approval.



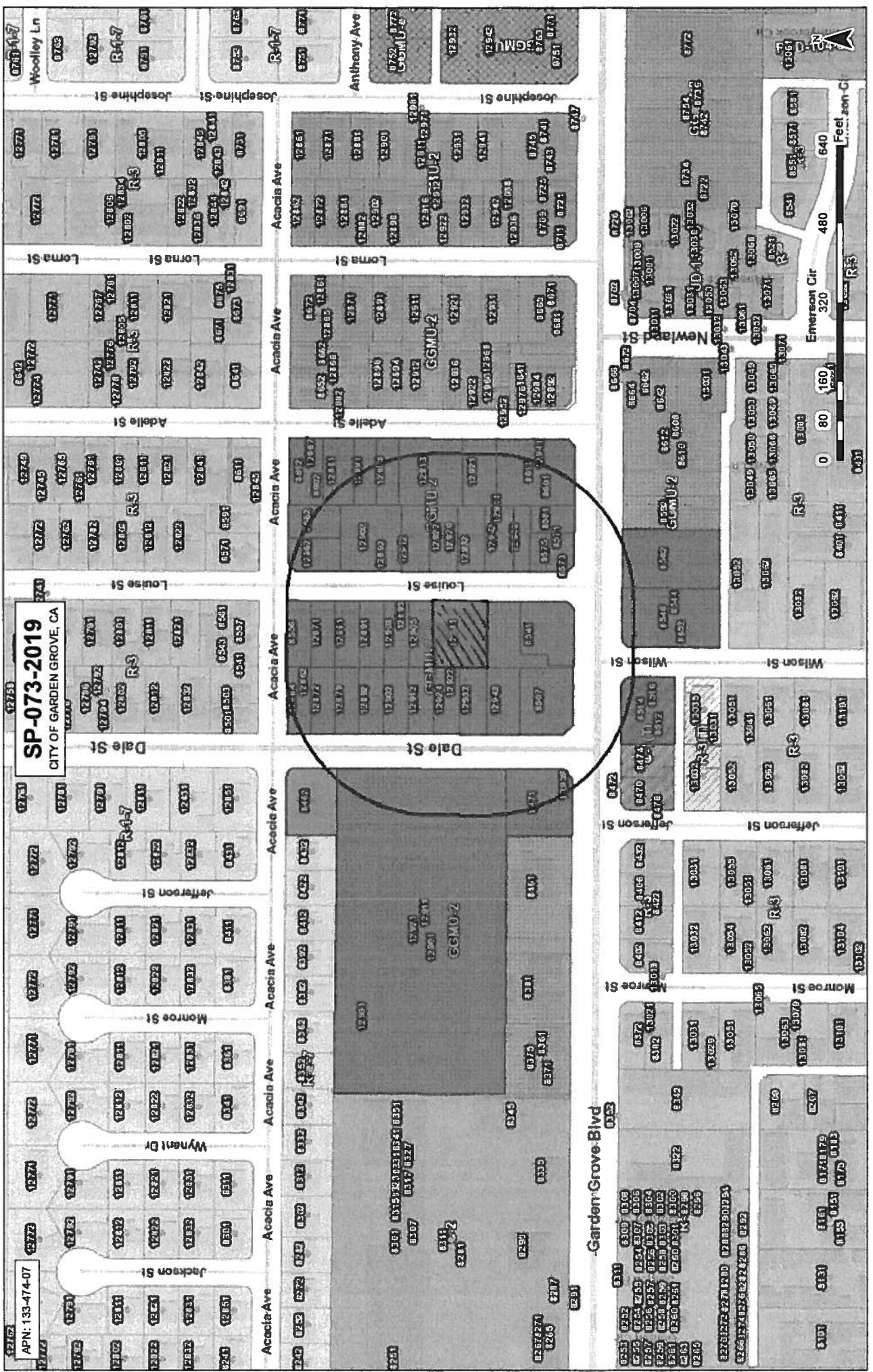
LEE MARINO
Planning Services Manager



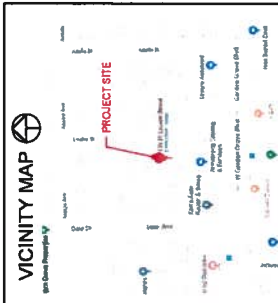
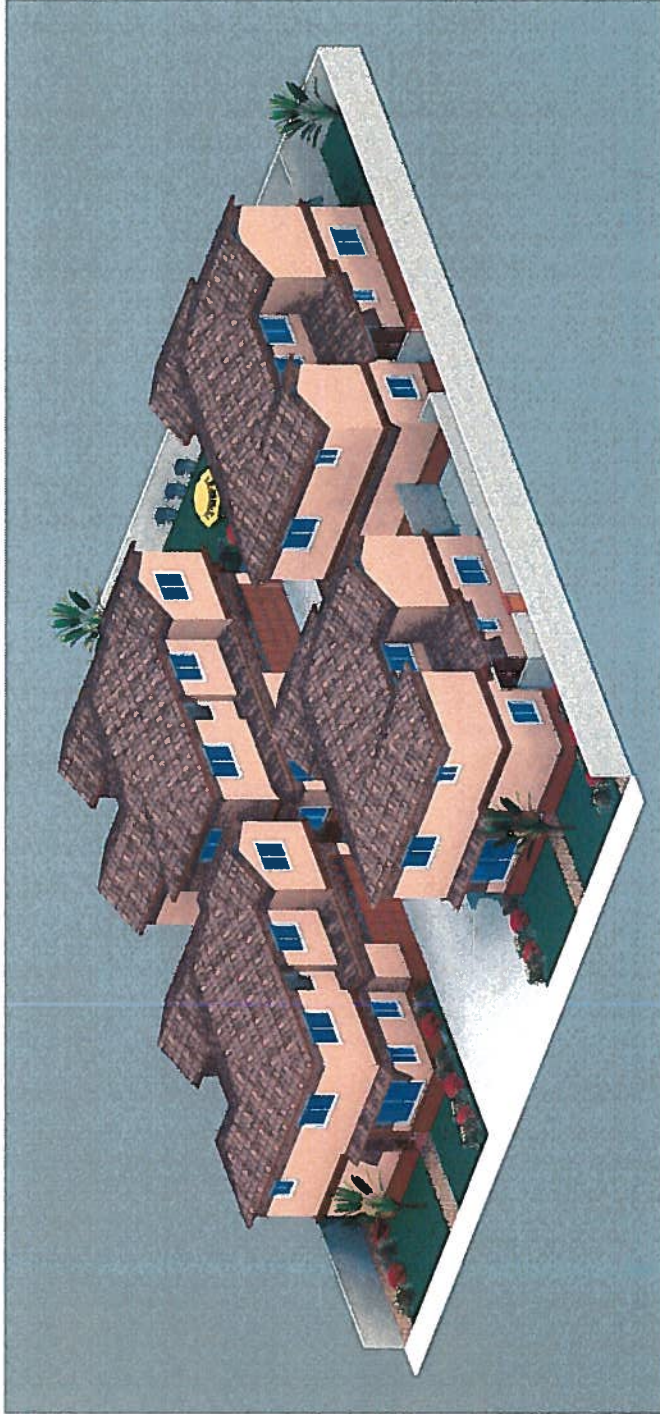
By: Chris Chung
Urban Planner

APN: 133-474-07

SP-073-2019
CITY OF GARDEN GROVE, CA



LOUISE FOURPLEX



LOCAL DESCRIPTION: CITY OF GARDEN GROVE, COUNTY OF ORANGE
ADDRESS: 1231 LOUISE ST, GARDEN GROVE, CA 92641
OWNER: PROPOSED BY APARTMENTS AT GARAGE
TYPE: 4-UNIT, 2-STORY BUILDING, SPRAWLER
APPLICABLE ZONING: RES-2
APPLICABLE ORDINANCES: 2018 CALIFORNIA ENERGY CODE (CEC), 2018 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen), 2018 CALIFORNIA PLUMBING STANDARDS CODE (CUPC), 2018 CALIFORNIA FIRE CODE (CFC), 2018 CALIFORNIA LANDMARK CODE (CALM), CITY OF WESTMINSTER ORDINANCE
APPLICABLE REGULATIONS: LOCALY ADOPTED BUILDING CODE AND APPLICABLE CEC, CALGreen, CUPC, CFC, CALM

1. LOT SIZE: 16,987.7 SF

UNIT	1ST FLOOR AREA	2ND FLOOR AREA	PORCH	LANDSCAPE AREA	BUILDING FOOTPRINT (LIMIT 4)
UNIT 1	775 SF	1025 SF	30 SF	175 SF	1985 SF
UNIT 2	775 SF	1025 SF	30 SF	175 SF	1985 SF
UNIT 3	775 SF	1025 SF	30 SF	175 SF	1985 SF
UNIT 4	775 SF	1025 SF	30 SF	175 SF	1985 SF
TOTAL	3100 SF	4075 SF	120 SF	700 SF	8800 SF

2. REQUIRED OPEN SPACE FOR EACH UNIT: 300 SF ± IN 1200 H. UNIT 1 - 300 SF, UNIT 2 - 300 SF, UNIT 3 - 300 SF, UNIT 4 - 300 SF. TOTAL IS 1200 SF ±.

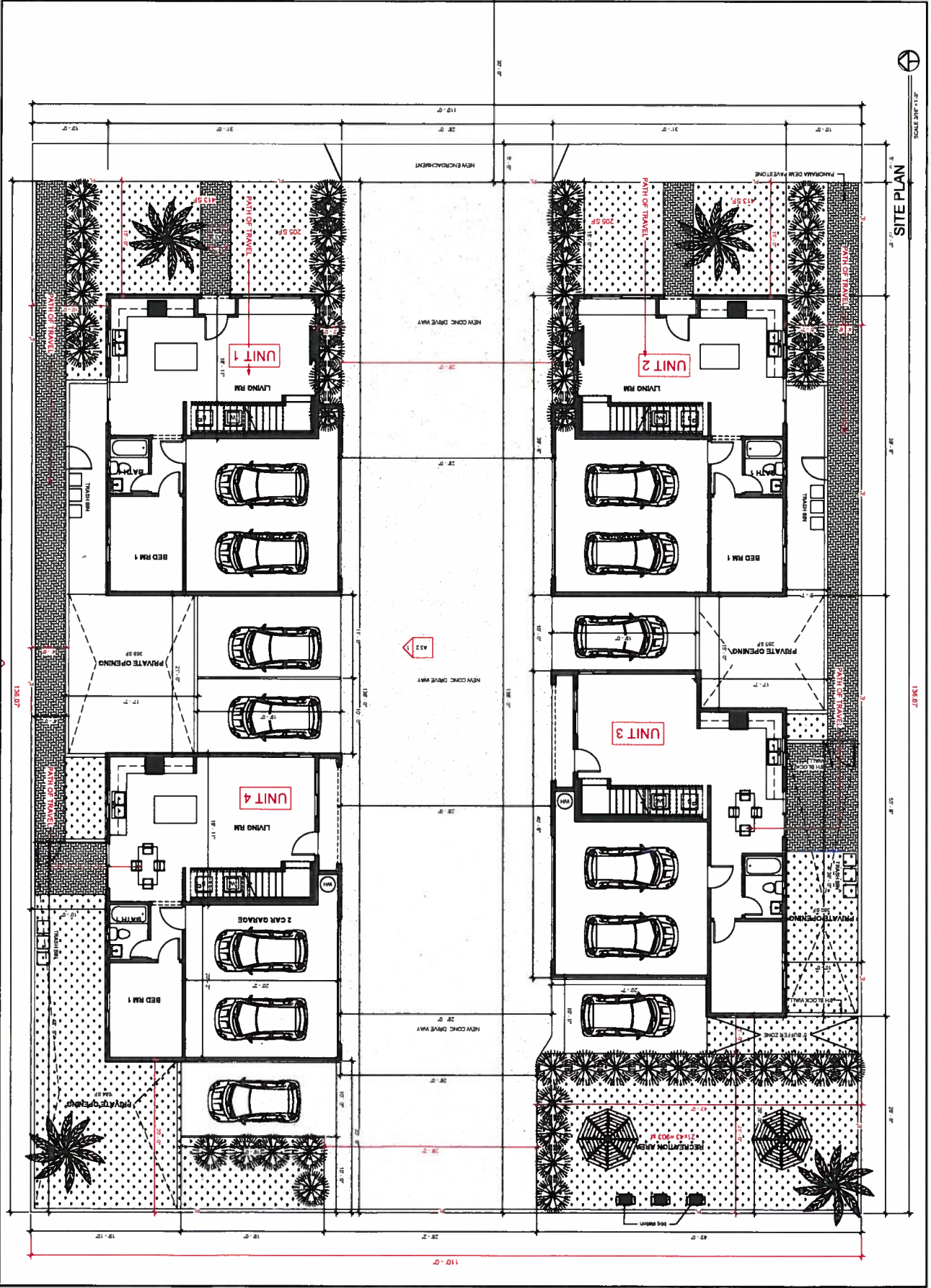
3. RECREATION AREA AT LEAST 10% OF 8800 SF: 880 SF ±. TOTAL IS 1200 SF ±.

4. LANDSCAPE AND OPEN SPACE AT LEAST 10% OF 8800 SF ±: 880 SF ±. TOTAL IS 1200 SF ±.

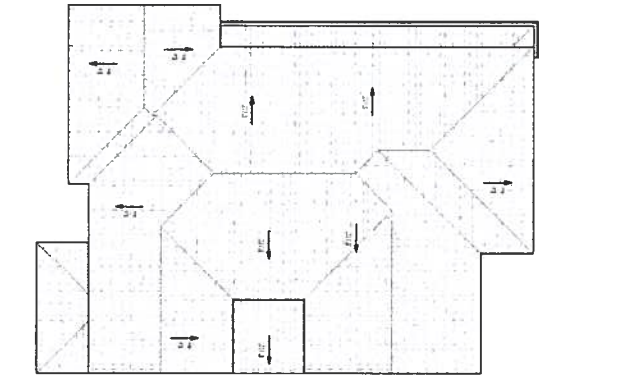
5. TOTAL OPEN SPACE: 3,760 SF

1. LOT SIZE: 16,987.7 SF

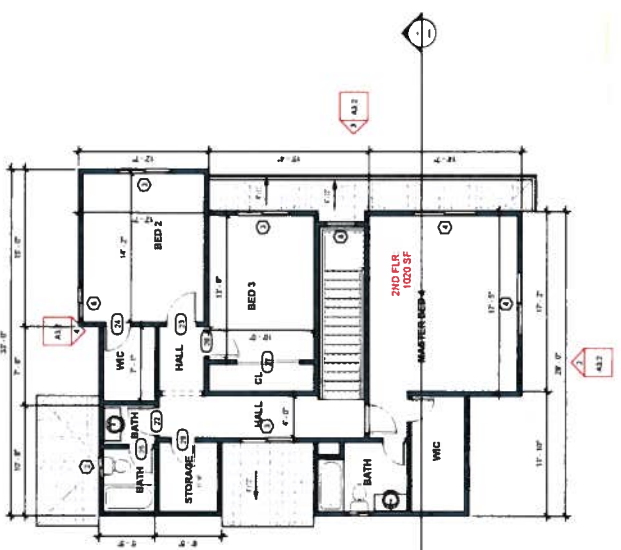
UNIT	1ST FLOOR AREA	2ND FLOOR AREA	PORCH	LANDSCAPE AREA	BUILDING FOOTPRINT (LIMIT 4)
UNIT 5	775 SF	1025 SF	30 SF	175 SF	1985 SF
UNIT 6	775 SF	1025 SF	30 SF	175 SF	1985 SF
UNIT 7	775 SF	1025 SF	30 SF	175 SF	1985 SF
UNIT 8	775 SF	1025 SF	30 SF	175 SF	1985 SF
TOTAL	3100 SF	4075 SF	120 SF	700 SF	8800 SF



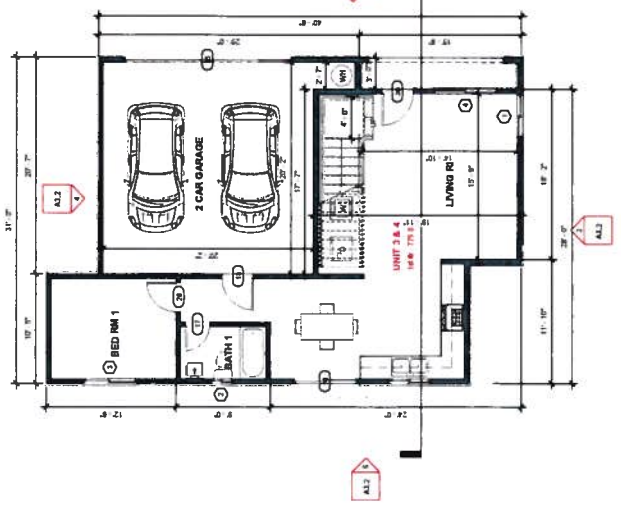
SITE PLAN
 SCALE: 3/8" = 1'-0"



1. ROOF PLAN 1
3/16" = 1'-0"



2. 2ND FLOOR
3/16" = 1'-0"



3. 1ST FLOOR
3/16" = 1'-0"

UNIT 3

- FLOOR PLAN NOTE**
1. ALL WALLS SHALL BE CONSTRUCTED WITH 5/8" TYPE X GYPSUM BOARD.
 2. ALL INTERIOR WALLS SHALL BE FINISHED WITH 5/8" TYPE X GYPSUM BOARD.
 3. ALL INTERIOR WALLS SHALL BE FINISHED WITH 5/8" TYPE X GYPSUM BOARD.
 4. ALL INTERIOR WALLS SHALL BE FINISHED WITH 5/8" TYPE X GYPSUM BOARD.
 5. PROVIDE 1/2" FIBER REINFORCED POLYMER (FRP) WALL WITH 5/8" TYPE X GYPSUM BOARD.
 6. PROVIDE 1/2" FIBER REINFORCED POLYMER (FRP) WALL WITH 5/8" TYPE X GYPSUM BOARD.
 7. PROVIDE 1/2" FIBER REINFORCED POLYMER (FRP) WALL WITH 5/8" TYPE X GYPSUM BOARD.
 8. PROVIDE 1/2" FIBER REINFORCED POLYMER (FRP) WALL WITH 5/8" TYPE X GYPSUM BOARD.
 9. PROVIDE 1/2" FIBER REINFORCED POLYMER (FRP) WALL WITH 5/8" TYPE X GYPSUM BOARD.
 10. PROVIDE 1/2" FIBER REINFORCED POLYMER (FRP) WALL WITH 5/8" TYPE X GYPSUM BOARD.

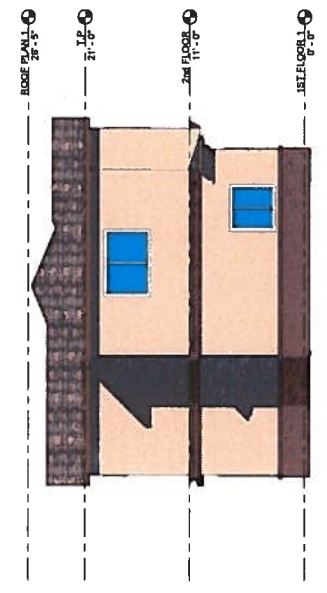
GENERAL NOTE

ALL DOCKED PENETRATING WALL OR CEILING PENETRATIONS BETWEEN GARAGE AND ADJACENT UNIT SHALL BE CONSTRUCTED ON 2" GARAGE GARAGE PER SECTION 1.4.

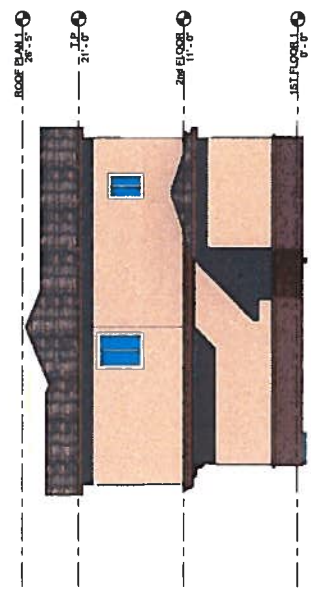


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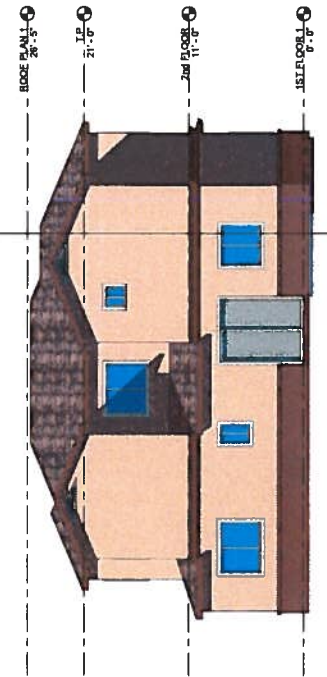
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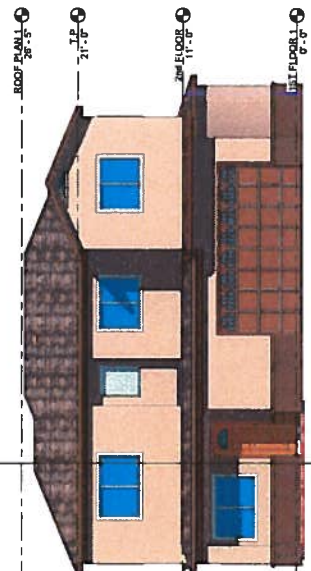
② Elevation 2 - a
 3/16" = 1'-0"



⑤ Elevation 5 - a
 3/16" = 1'-0"

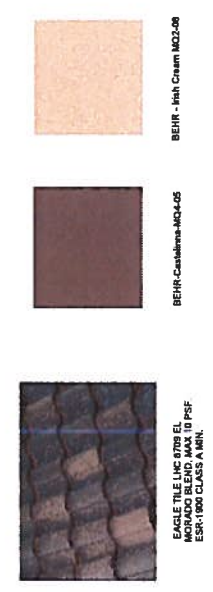


① Elevation 1 - a
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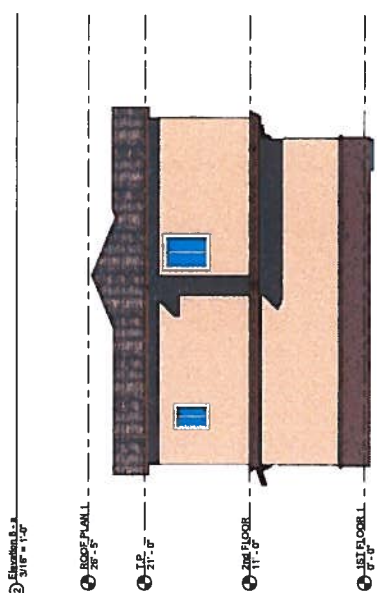
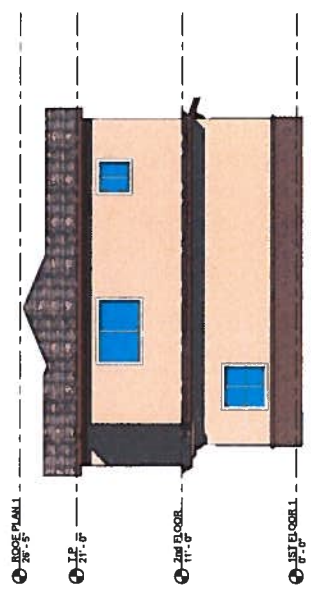


④ Elevation 4 - a
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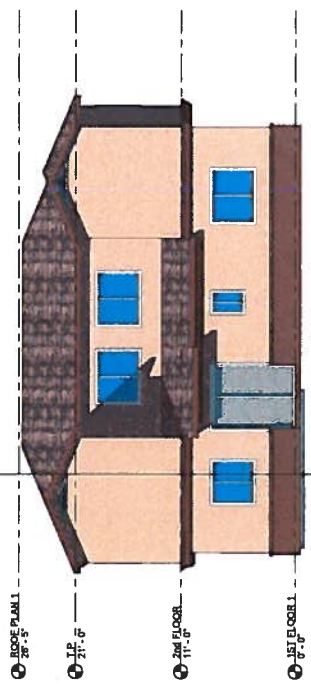
UNIT 3



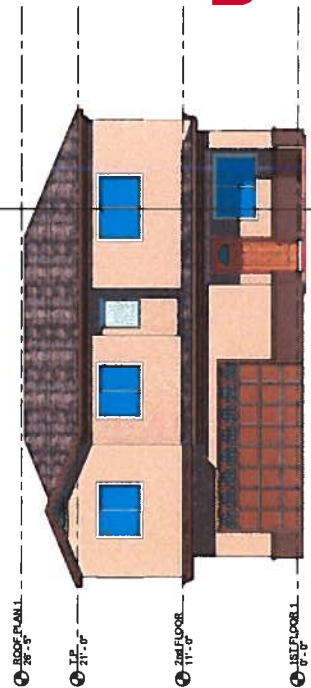
UNIT 4



④ Elevation 5 - a
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① Elevation 1 - a
3/16" = 1'-0"



⑤ Elevation 1 - a
3/16" = 1'-0"



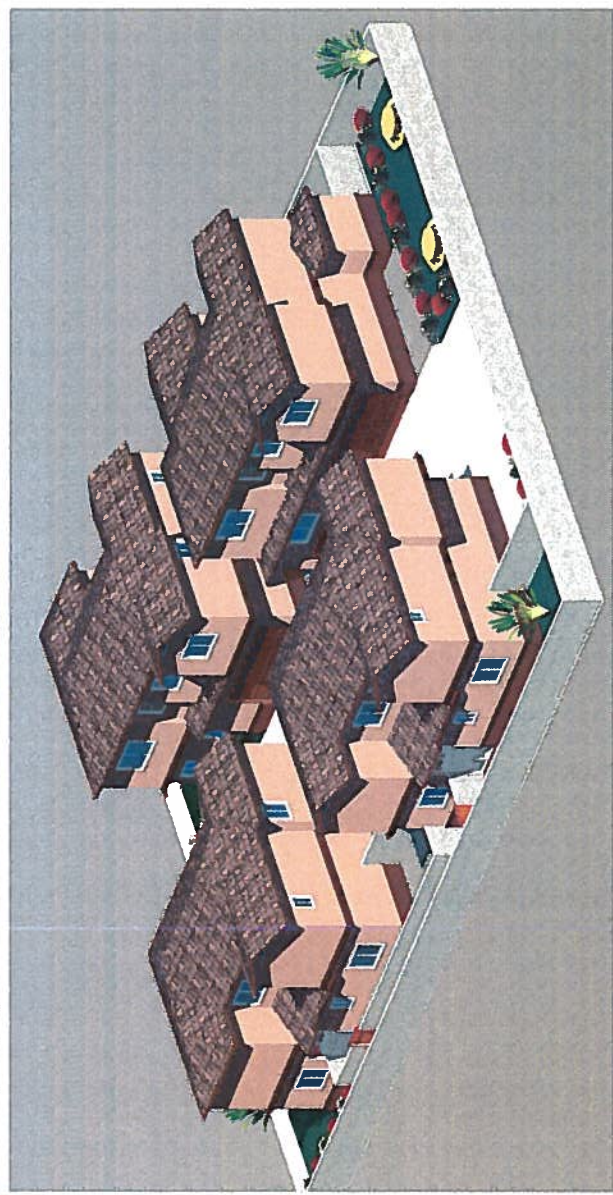
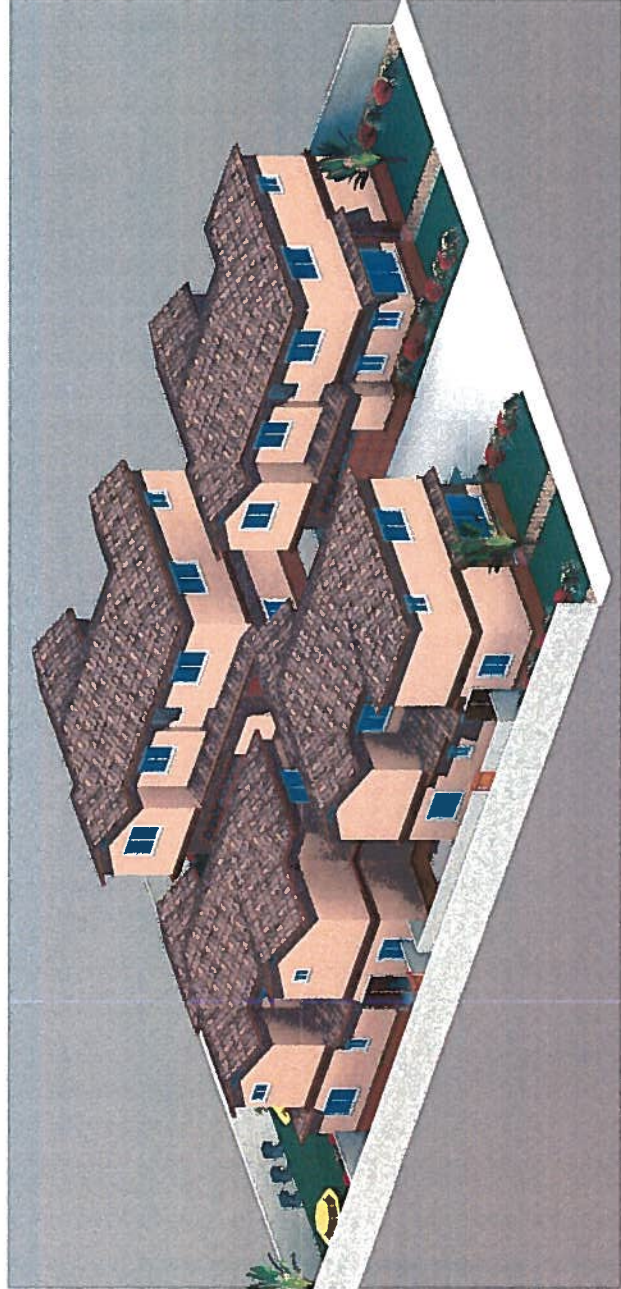

FL DESIGN GROUP
 Residential & Commercial Design
 14211 Riva St Westminster CA 92683
 Tel: 714-414-5636

Proposed for Dylan Dang
NEW FOURPLEX
 12931 LOUISE ST GARDEN GROVE, CA 92641

DESIGNER OF RECORD
 ARCHITECTURAL FIRM
 14211 RIVA ST WESTMINSTER, CA
 92683
 TEL: 714-414-5636
 WWW.FLDESIGNGROUP.COM

Project No: 064022
 Date: 11-27-2018

3D VIEW
 A4.1



FL DESIGN GROUP
 Residential & Commercial Design
 14211 Main St. Westminster, CA 92683
 Tel: 714-414-5538
 P.O. BOX 111111
 WESTMINSTER, CA 92683

Proposed for Dylan Dang
NEW FOURPLEX
 12801 LOUISE ST. GARDEN GROVE, CA 92641

SCALE: 1/8" = 1'-0"
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RESOLUTION NO. 5963-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-073-2019, FOR A PROPERTY LOCATED ON THE WEST SIDE OF LOUISE STREET, BETWEEN ACACIA AVENUE AND GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 133-474-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 5, 2019, does hereby approve Site Plan No. SP-073-2019, for land located on the west side of Louise Street, between Acacia Avenue and Garden Grove Boulevard, Assessor's Parcel No. 133-474-07, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-073-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Frank Le, applicant.
2. The applicant is requesting Site Plan approval to demolish all existing on-site improvements, which include an existing single-family residence and two (2) detached accessory structures, and to construct four (4) new two-story apartment units, along with associated site improvements, on a 14,967 square foot lot, located at 12931 Louise Street (Assessor's Parcel No. 133-474-07).
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2 and is currently zoned GGMU2 (Garden Grove Boulevard Mixed Use 2). The site is currently improved with an existing single-family dwelling and two (2) detached structures.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 5, 2019, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting on September 5, 2019, and considered all oral and written testimony presented regarding the project.

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

FACTS:

The subject site is 14,967 square feet in area and is located on the west side of Louise Street, between Acacia Avenue and Garden Grove Boulevard. The site is currently improved with an existing single-family dwelling and two (2) detached structures. The site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned GGMU2 (Garden Grove Boulevard Mixed Use 2). The site abuts GGMU2 zoned properties to the north, west, south, and across Louise Street, to the east. The surrounding uses include multiple-family residential developments to the north, west, and across Louise Street, to the east, and a used car retail dealership to the south.

The applicant is proposing to demolish all existing on-site improvements, which include an existing single-family residence and two (2) detached accessory structures, and to construct four (4) new two-story apartment units, along with associated site improvements. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

Two (2) units are to be located on each side, north and south, of the property, with a private 28'-0" wide drive aisle, which runs down the center of the development. The project meets all minimum setback requirements of the Municipal Code.

Excluding the required setbacks (which are required to be landscaped), the project provides a total of 1,499 square feet of landscaping. The project exceeds the minimum landscaping required. In total, the project provides a total of approximately 2,580 square feet of open space, which is a surplus of 1,380 square feet.

The project provides four (4) enclosed two-car garages and five (5) uncovered guest parking spaces, for a total of thirteen (13) parking spaces, which meets the minimum required by Code.

Units 1 and 2 will be two-story dwellings providing a total living area of 1,781 square feet, excluding the two-car garage. Unit 3 will be a two-story dwelling providing a total living area of 1,807 square feet, excluding the two-car garage. Unit 4 will be a two-story dwelling providing a total living area of 1,795 square feet, excluding the two-car garage.

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 Title 9 and the General Plan.

The subject site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned GGMU2 (Garden Grove Boulevard Mixed Use 2). The Project complies with the General Plan Land Use Designation and the zoning requirements for the property. The Residential/Commercial Mixed Use 2 designation is intended to provide for a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. The Garden Grove Boulevard Mixed Use 2 zone applies to specific properties along Garden Grove Boulevard, and provides for commercial and residential uses to be developed as integrated developments either on a single development site or as complementary uses within a district, such as commercial uses that provide goods and services for adjacent or integrated residential units. This zone implements the General Plan Residential/Commercial Mixed Use 2 and 3 land use designations. Development intensities are lower in scale (no more than three to four stories) and respect adjacencies to lower-density residential neighborhoods.

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:

Goal LU-2, which intends to establish stable, well-maintained residential neighborhoods in Garden Grove. Policy LU-2.1, which, in part, intends to protect residential areas from the effects of potentially incompatible uses. The residential project is compatible with the existing nearby residential developments and furthers the effort to establish a stable and well-maintained residential neighborhood.

Policy LU-2.2, which intends to provide a diverse mix of housing types, along with uniformly high standards of residential property maintenance to preserve residents' real estate values and their high quality of life. The project furthers the General Plan's effort to provide a diverse mix of housing types, in an area which includes single-family and multiple-family residential developments.

Policy LU-2.4, which intends to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The existing neighborhood is currently improved with existing single-family and multiple-family residential developments. The proposed 4-unit multiple-family

development is compatible with the existing developments in the immediate neighborhood.

LU-IMP-2B, which strives to ensure that new development shall be similar in scale to the adjoining residential neighborhood to preserve its character. The nearby residential developments primarily range between one-story and two-story structures, which is compatible with the proposed two-story 4-unit residential project.

LU-IMP-3B, which intends for the design of multiple-family housing in mixed use areas and on major corridors to provide a buffer between the corridor and lower density residential areas. The project is a multiple-family residential development in a mixed use zone, which is consistent with the General Plan.

Policy LU-4.1, which strives to locate higher density residential uses within proximity of commercial uses to encourage pedestrian traffic, and to provide a consumer base for commercial uses. The project site is in close proximity to existing commercial uses located along Garden Grove Boulevard.

Policy LU-4.6, which states where residential/commercial or residential/industrial mixed use is permitted, ensure compatible integration of adjacent uses to minimize conflicts. The existing neighborhood is currently improved with existing single-family and multiple-family residential developments. The proposed 4-unit multiple-family development is compatible with the existing developments in the immediate neighborhood.

The project has been designed to comply with all requirements of Title 9 of the Municipal Code. The placements of the structures, the site design, the number of parking spaces, and the landscape areas are consistent with the spirit and intent of the requirements of the Municipal Code and the General Plan.

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

The proposed drive aisle, which runs down the center of the development, including maneuvering areas, is adequate for vehicle access. Additionally, the project (provides 13 parking spaces) meets the minimum parking requirements of Title 9 (requires 13 parking spaces minimum). Finally, adequate pedestrian access is provided within the project, which also connects to the public right-of-way.

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

The developer is required to make street improvements along Louise Street. The street improvements include constructing curb and gutter, constructing a sidewalk, constructing the drive approach, and providing parkway landscaping behind the new sidewalk, which matches the adjacent street improvements. Additionally, existing utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development.

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

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

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

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

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

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood. The Municipal Code requires a minimum amount of total landscaping for the site and a minimum amount of total open space (recreation area). Based on zoning (GGMU2) requirements, the project is required to provide a minimum of 10% of landscaping based on the net developable area (excluding the required setbacks), which equals a minimum of 1,332 square feet of landscaping. Excluding the required setbacks (which are required to be landscaped), the project provides a total of 1,499 square feet of landscaping. Therefore, the project exceeds the minimum landscaping required. Based the Municipal Code, for open space development

standards, a minimum of 1,200 square feet (calculated at 300 square feet per unit) of open space (recreation area) is required for the entire development. All units provide open patios on the 1st floor ranging in area between 264 square feet to 684 square feet. Additionally, the project provides a 903 square foot communal (active) recreation area at the rear, along the westerly property line. In total, the project provides a total of approximately 2,580 square feet of open space, which is a surplus of 1,380 square feet. The applicant has proposed a contemporary architectural style for the apartment dwelling units that exhibit stucco exteriors, decorative siding, varying window sizes, a hip roof design with tile roofing, and an effective use of articulation on the building façade and design.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-073-2019.

EXHIBIT "A"

Site Plan No. SP-073-2019

12931 Louise Street
(Assessor's Parcel No. 133-474-07)

CONDITIONS OF APPROVAL

General Conditions

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

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation Fees, Citywide Park 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.
7. A separate street permit is required for work performed within the public right-of-way.
8. Grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
9. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
11. The new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-121.
12. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, if any, shall have wheel stops.
13. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within and frontage of the development in a manner meeting the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on the precise grading and street improvement plans.
14. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report

shall make recommendations for pavement design for the interior streets and parking spaces. The geotechnical engineer shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels and include results and recommendations in the report.

15. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
16. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
17. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP;
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs;
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
18. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications;

- b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site;
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural and/or other post-construction BMPs.
19. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
 20. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
 21. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
 22. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
 23. Any required lane closures should occur outside of peak travel periods.
 24. Construction vehicles should be parked off traveled roadways in a designated parking area.
 25. Prior to issuance of a grading permit, the applicant shall submit a Construction Waste Management Plan (CWMP) application to the Public Works Streets/Environmental Compliance Division for review and approval.

26. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
27. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation.
28. The applicant shall remove substandard driveway approaches, curb and the existing landscape and trees (total 2 trees) within sidewalk area along Louise Street and construct street frontage improvements as identified below. All landscape, sidewalk and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Division.

Louise Street

- a. Remove the existing southerly substandard driveway approaches and existing landscaping on Louise Street and construct new curb, gutter, parkway and sidewalk.
- b. The new driveway approaches to the site on Louise Street shall be constructed in accordance with City of Garden Grove Standard Plan B-121.
- c. Construct 6-inch curb and gutter replacing the southerly driveway approach along the property frontage at 20' from centerline in accordance with City Standard Plan B-114.
- d. Remove all trees within the landscaping area that are fronting the project on Louise Street and plant total of two Western Redbuds (single trunk) trees.
- e. Construct a new 6-foot parkway adjacent to the new 6-inch curb and 4-foot sidewalk per City Standard Plan B-105.
- f. Remove and replace the pavement of the street from the edge of the easterly gutter to the edge of westerly gutter along the property frontage per City Standard Plan B-104 and the direction of the City Engineer.

- g. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Louise Street with Planning Division and Water Division.
- h. Any proposed new landscaping in public right-of-way shall be approved by Planning Division and maintained by the owner.

Garden Grove Fire Department

- 29. Fire sprinkler system is required throughout each apartment building per the California Fire Code and adopted City standards (NFPA). NFPA 13D compliant system is required throughout with a density and configuration as required by that standard. Sprinkler systems shall meet further City water standards as determined by the fire and water departments (i.e., testable above-ground double check valves, fire flow water meters if required).
- 30. All Fire-related aspects of the proposed project shall comply with applicable California Fire Codes and the California Building Codes.

Public Works Water Services Division

- 31. New water service 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.
- 32. 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 inspected by approved Public Works inspection.
- 33. 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.
- 34. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
- 35. If a separate fire service is required, it 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.

36. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
37. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
38. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
39. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
40. 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.

Planning Services Division

41. The applicant shall submit a detailed landscape and irrigation plan of all landscape areas, including the parkway area behind the new sidewalks. The plan shall be submitted to and be approved by the Community and Economic Development Department, Planning Services Division prior to the issuance of any permit for construction. Said plan shall include substantial plantings that create a natural setting and include type (both common and botanical names), size, location, and quantity of all plant material. The landscaping shall be planted prior to the finalization of the permit for construction. The landscape plan shall also include the following:
 - a. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines.
 - b. Trees planted within ten (10) feet 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. No street trees will be planted in the sidewalk, unless required by the City's

- Public Works Department. The landscape plan shall maximize the plantings along the perimeter wall where planters are possible. There shall be vine plantings along the length of the perimeter walls. The vines shall be mainly perennial and evergreen with some flowering, deciduous types interspersed.
- c. The front landscape area shall reflect the existing character of the site with abundant tropical plantings and shade trees.
 - d. A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for any trees planted in the setback areas adjacent to the sidewalks and in the parking lot 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 in other areas, they shall be low flow/precipitation sprinkler heads for water conservation.
 - e. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan and shall be screened from view by appropriate plantings.
 - f. The applicant is responsible for the installation of all landscaping, irrigation, and other site improvements on the property. Said responsibility shall extend to all landscaped areas, the playground, the landscape setbacks, sidewalk, curb and pavement of the site.
42. All construction and grading shall be performed in compliance with the City's Noise Ordinance, Chapter 8.47 of the Garden Grove Municipal Code. Pursuant to the City's Noise Ordinance, no construction or grading shall take place before 7:00 a.m. or after 10:00 p.m. (of the same day).
 43. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or 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 manner so as not to unreasonably illuminate the window area of nearby residences.
 44. The applicant shall ensure the development implements second floor privacy mitigation measures, where necessary, as required by the Planning Division. Window locations shall take into account the location of adjacent single-family developed properties' recreation areas and amenities. Where conflicts occur, visual intrusion mitigation measures shall be provided, such as the use of clerestory/high windows (minimum six feet to the bottom of the window sill), wing walls, view obscuring window treatments for fixed windows, window

alignments, and other acceptable measures, subject to review by the Planning Division.

45. 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. All above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community and Economic Development Department, Planning Services Division.
 - 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- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
46. Each Unit shall have phone-jacks and cable-TV in all rooms, except any laundry area, hallways, and bathrooms.
47. All units shall maintain the ability to park two (2) cars within the garages at all times. Garages shall not be converted to any other use. There shall be no business activities, day care, or garage sales conducted within or from the garages. Parking spaces in the garages shall be made available to the occupants of the unit at all times. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
48. The main drive aisle, which runs through the middle of the property, serves the entire development for vehicular circulation. The applicant shall utilize effective signage, and/or other acceptable means (i.e., a painted/marked red fire lane), to communicate to residents and guests that there shall be no parking in front of garages or anywhere within the drive aisle, except for within the designated guest parking spaces. Additionally, there shall be no long term parking of vehicles in the guest parking spaces nor shall guest parking spaces be reserved for any particular units.

49. The applicant/property owner shall abate all graffiti vandalism within the premises. The 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 property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
50. Each unit shall be provided with an air conditioning condensing unit so that there are no wall-mounted, window mounted, or roof type air conditioning systems on the building.
51. All units shall be equipped with trash compactors and shall provide a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material. All exterior collection areas shall be located within a screened yard.
52. Each unit shall have a separate area for storage having a minimum of three hundred (300) cubic feet of private and secure space. This storage may be located within the enclosed garages, provided that it does not interfere with automobile parking.
53. Enhanced concrete treatment shall be provided at a 20-foot depth within the entry drive from Louise Street. Concrete treatment and color shall be approved by the Community and Economic Development Department prior to issuance of building permits.
54. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
55. The applicant shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:
 - a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Services Division, Engineering Division, and Building and Safety Division, the developer shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans, which reflect these Conditions of Approval. The plans shall indicate

cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5 feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.

56. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
 - a. Decorative masonry walls are required along the west, north, and south property lines and shall be constructed to a minimum height of 6'-0" (except within the front 15'-0" setback), as measured from highest point of finished grade. These walls shall use decorative masonry or stucco block with decorative caps, subject to the Community and Economic Development Department's approval.
 - b. The applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. Furthermore, the outward facing portion of the new wall shall be compatible in design and match the color of the existing wall it is abutting. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation. Additionally, the applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing any required perimeter blocks walls and/or retaining walls so as not to construct new walls that unreasonably cause shade and shadow issues to nearby homes or are unreasonably tall in height, as measured from grade on the side of the neighboring properties. The applicant shall work with the City to mitigate any such occurrences and issues relating to any walls, subject to final review and approval by the City.
57. 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 methanol,

natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, use of solar, low-emission water heaters, and low-sodium parking lot lights, shall be required to ensure compliance with Title 24.

58. The common recreation area improvements shall be reviewed and approved by the Community and Economic Development Department, Planning Division, prior to issuance of building permits. The improvements within the common open space areas shall include a turf area, benches, and related equipment and improvements.
59. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include architectural enhancements such as multi-toned stuccoed exteriors with window and door trim, decorative siding, decorative lighting, decorative paneled front doors, shutters, and varied rooflines.
60. No security fencing/gate shall be permitted to be installed within the entry of the project, unless a vehicular turn-around area meeting Public Works Engineering Division requirements can be accommodated.
61. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
62. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-073-2019. 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 further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
63. 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. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-073-2019 has begun.

64. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.
65. The project shall comply with the applicable California Building Standards Code, based on the time of submittal of the construction plans to the City for plan check (2019 California Building Standards Code to apply if submitted on or after January 1, 2020).
66. The project shall comply with the applicable California Building Energy Efficiency Standards Code, based on the time of submittal of the construction plans to the City for plan check (2019 California Building Energy Efficiency Standards Code to apply if submitted on or after January 1, 2020).
67. Construction plans for the project submitted to the City for plan check shall include a soils report.
68. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.
69. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Site Plan No. SP-073-2019 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. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-073-2019 shall expire if the building permits for the project expire.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.3	SITE LOCATION: Citywide
HEARING DATE: September 5, 2019	GENERAL PLAN: N/A
CASE NO.: Amendment No. A-025-2019	ZONE: N/A
APPLICANT: City of Garden Grove	
OWNER: N/A	CEQA DETERMINATION: Exempt

REQUEST:

Recommend approval to the City Council of a City-initiated zoning text amendment to Section 9.04.060 of the Garden Grove Municipal Code to add definitions for terms used in existing portions of Title 9 pertaining to the Flood Insurance Hazard Overlay Zone to meet the minimum requirements of the National Flood Insurance Program.

BACKGROUND:

The City of Garden Grove is a participating community in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP). As a condition of participation, the City must adopt and enforce a flood plain management ordinance that regulates development within the City's flood plains and that meets state and federal minimum standards. In return, FEMA makes flood insurance coverage available on buildings and its contents throughout the community.

On behalf of FEMA, the Department of Water Resources (DWR) conducted a community assistance visit on March 9, 2019 to review the City of Garden Grove's NFIP and assess the City's implementation of the local flood plain management ordinance. DWR's analysis of the City's flood plain management ordinance found some minor deficiencies in the City's Municipal Code where certain terms and definitions were not in alignment with the California Model Flood plain Management Ordinance.

To ensure full compliance with the NFIP regulations, State DWR staff required the City to provide an initial draft Ordinance outlining the required changes for DWR to review. Failure to update the terms and definitions required by DWR will risk the City's participation in the NFIP. Being a non-participant will mean that flood insurance policies within the City cannot be written or renewed.

DISCUSSION:

The proposed amendment will allow the City of Garden Grove to remain in compliance with, and continue its participation in, the NFIP. The summary of changes to Section

9.04.060 of Title 9 includes the following definitions for "Existing manufactured home park or subdivision," "Expansion to an existing manufactured home park or subdivision," "Historic structure," "New manufactured home park or subdivision," and "Substantial damage." The exact proposed changes to the Municipal Code are shown in the draft City Council Ordinance (Exhibit "A") that is attached to the proposed Planning Commission Resolution No. 5964-19.

"Existing manufactured home park or subdivision" means, for flood plain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of a flood plain management regulation adopted by the City of Garden Grove.

"Expansion to an existing manufactured home park or subdivision" means, for flood plain management purposes, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Historic structure" means, for flood plain management purposes, any structure that is: 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"New manufactured home park or subdivision" means, for flood plain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of a flood plain management regulation adopted by the City of Garden Grove.

"Substantial damage" means, for flood plain management purposes, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."

The purpose of this updated Flood plain Management Ordinance is to ensure that the City is in full compliance with the NFIP regulations. These regulations are implemented to promote the public health, safety and general welfare, and to reduce damages and losses to public and private facilities due to flood conditions.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt the proposed Resolution recommending approval of Amendment No. A-025-2019 to the City Council.



Lee Marino
Planning Services Manager



By: Nancy Mith
Planner

RESOLUTION NO. 5964-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-025-2019, A ZONING TEXT AMENDMENT TO SECTION 9.04.060 OF THE GARDEN GROVE MUNICIPAL CODE TO ADD DEFINITIONS FOR TERMS USED IN EXISTING PORTIONS OF TITLE 9 PERTAINING TO THE FLOOD HAZARD OVERLAY ZONE TO MEET THE MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on September 5, 2019, does hereby recommend that the City Council approve Amendment No. A-025-2019, to amend Section 9.04.060 of the Garden Grove Municipal Code to add definitions for terms used in existing portions of Title 9 pertaining to the Flood Hazard Overlay Zone to meet the minimum requirements of the National Flood Insurance Program.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-025-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing a zoning text amendment to Chapter 9.04 (Land Use) of Title 9 of the City of Garden Grove Municipal Code to add new definitions for terms used in the City's existing flood plain management regulations set forth in other portions of Title 9 in order to meet the minimum requirements of the National Flood Insurance Program.
3. The Planning Commission recommends the City Council find that the proposed Amendment is not subject to California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. Pursuant to legal notice, a public hearing was held on September 5, 2019 and all interested persons were given an opportunity to be heard.
5. Report submitted by City staff was reviewed.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of September 5, 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 are as follows:

FACTS:

The National Flood Insurance Program (NFIP) is based on an agreement between the federal government and participating communities that have been determined to be flood prone. The Federal Emergency Management Agency (FEMA), through the Federal Insurance Administration, makes flood insurance available to the residents of a participating community, with the condition that the community adopts and implements flood plain management regulations that meet the minimum NFIP requirements. The City of Garden Grove is a participant in the NFIP and is required to adopt flood plain management regulations in conformance with the requirements contained in the Code of Federal Regulations for the NFIP, 44 CFR Parts 59, 60, 65 and 70. The City's Flood plain Management Regulations are currently set forth in Sections 9.04.06 (Definitions), 9.08.030.040 (Single-Family Residential), 9.12.030.050 (Multiple-Family Residential), 9.16.030.060 (Commercial, Office Professional, Industrial, and Open Space), and 9.18.180.010 (Mixed-Use) of the Garden Grove Municipal Code.

On behalf of FEMA, the California Department of Water Resources (DWR) conducted a community assistance visit on March 9, 2019 to review the City of Garden Grove's NFIP and assess the City's implementation of the local flood plain management ordinance. Based on its review, DWR recommended that the City add definitions for five (5) key terms used in the City's existing Flood plain Management Regulations, which are consistent with the definitions of those terms set forth in Title 44 of the Code of Federal Regulations (44 CFR) Section 59.1.

The terms and definitions are contained in Subsection C of Section 9.04.060 of Title 9 of the Garden Grove Municipal Code. The purpose of the proposed text amendment is to update the definitions section of the code to meet the minimum NFIP requirements pursuant to Title 44, Code of Federal Regulations, Section 59.1.

FINDINGS AND REASONS:MUNICIPAL CODE AMENDMENT:

1. The Municipal Code Amendment is consistent with the City's General Plan.

Goal SAF-7 of the Safety Element of the City's General Plan encourages the City to minimize injury and loss of life, damage to public and private property and infrastructure, and economic and social disruption caused by inundation and flood hazards. Policies SAF-7.1 and SAF-IMP-7A direct the City to continue to implement adopted flood control programs and regulations and to update, as appropriate, and enforce provisions in the City of Garden Grove Flood Management Ordinance, regarding development in flood prone areas. Consistent with these goals and policies, the proposed Municipal Code Amendment will update the City's existing Flood Management Regulations to

ensure consistency with the federal regulations for the National Flood Insurance Program.

2. The Municipal Code Amendment is deemed to promote the public interest, health, safety, and welfare.

The proposed Municipal Code Amendment will promote the public interest, health, safety, and welfare by updating the City's Flood plain Management Regulations to ensure they continue to be consistent with the National Flood Insurance Regulations and that Garden Grove residents will continue to have access to flood insurance.

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 Municipal Code Amendment possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.D.1 (General Plan Amendment and Municipal Code Amendment).

The Planning Commission recommends that the City Council adopt the Ordinance attached as Exhibit "A" to this Resolution approving Code Amendment No. A-025-2019.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-025-2019, A ZONING TEXT AMENDMENT TO SECTION 9.04.060 OF THE GARDEN GROVE MUNICIPAL CODE TO ADD DEFINITIONS FOR TERMS USED IN EXISTING PORTIONS OF TITLE 9 PERTAINING TO THE FLOOD HAZARD OVERLAY ZONE TO MEET THE MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM

CITY ATTORNEY SUMMARY

This Ordinance approves a text amendment to Section 9.04.060 of the Garden Grove Municipal Code to add five (5) definitions for terms used in the City's existing Flood plain Management Regulations in order to satisfy the requirements of the National Flood Insurance Program. The added definitions are consistent with the definitions set forth Title 44 of the Code of Federal Regulations, Section 59.1.

THE CITY OF COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove is a participant in the National Flood Insurance Program (NFIP), which allows the owners of properties located within special flood hazard areas to purchase flood insurance through the NFIP;

WHEREAS, cities who participate in the National Flood Insurance Program (NFIP) are required to adopt flood plain management regulations in conformance with the requirements contained in the Code of Federal Regulations for the NFIP, 44 CFR Parts 59, 60, 65 and 70;

WHEREAS, the City's Flood plain Management Regulations are currently set forth in Sections 9.04.06 (Definitions), 9.08.030.040 (Single-Family Residential), 9.12.030.050 (Multiple-Family Residential), 9.16.030.060 (Commercial, Office Professional, Industrial, and Open Space), and 9.18.180.010 (mixed-use), of the Garden Grove Municipal Code;

WHEREAS, the California Department of Water Resources has reviewed the City's existing Flood plain Management Regulations and has recommended that the City add definitions for five (5) key terms used in the City's existing Flood plain Management Regulations, which are consistent with the definitions of those terms set forth in Title 44 of the Code of Federal Regulations (44 CFR) section 59.1 in order to meet the minimum requirements of the National Flood Insurance Program (NFIP);

WHEREAS, in order to ensure that its Flood plain Management Regulations

continue to be consistent with the National Flood Insurance Program regulations, the City of Garden Grove has initiated Amendment No. A-025-2019, which is a zoning text

amendment to Section 9.04.060 (Definitions) of Chapter 9.04 (General Provisions) of Title 9 (Land Use Code) of the Garden Grove Municipal Code in order to add definitions for five (5) key terms used in the City's existing Flood plain Management Regulations, which definitions correspond to the definitions of these terms set forth in Title 44 of the Code of Federal Regulations Section 59.1;

WHEREAS, following a Public Hearing held on September 5, 2019, the Planning Commission adopted Resolution No. 5964-19 recommending approval of Amendment No. A-025-2019;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on xxxx, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-025-2019:

- A. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan;
- B. The Amendment will promote the public interest, health, safety and welfare; and

WHEREAS, the City Council finds that the proposed Ordinance is not subject to California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: Amendment No. A-025-2019 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5964-19, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set

forth in full.

SECTION 3: Subsection C of Section 9.04.060 of Chapter 9.04 of Title 9 of the Garden Grove Municipal Code is hereby amended to include the following definitions for "Existing manufactured home park or subdivision", "Expansion to an existing manufactured home park or subdivision", "Historic structure", "New manufactured home park or subdivision", and "Substantial damage":

"Existing manufactured home park or subdivision" means, for flood plain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of a flood plain management regulation adopted by the City of Garden Grove.

"Expansion to an existing manufactured home park or subdivision" means, for flood plain management purposes, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Historic structure" means, for flood plain management purposes, any structure that is: 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"New manufactured home park or subdivision" means, for flood plain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of a flood plain management regulation adopted by the City of Garden Grove.

"Substantial damage" means, for flood plain management purposes, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SECTION 4: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 5: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.