



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

November 5, 2020

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

In an effort to protect public health and prevent the spread of the Coronavirus (COVID-19), the Planning Commission members will be teleconferencing and the meeting recorded. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing planning@ggcity.org no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record and will be uploaded to the City's website. Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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

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

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

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

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

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

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: October 15, 2020

C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. SITE PLAN NO. SP-091-2020

APPLICANT: PETE SHAVER

LOCATION: SOUTHWEST CORNER OF TRASK AVENUE AND BROOKHURST STREET AT 9898 TRASK AVENUE

REQUEST: Site Plan approval to expand the existing Hyundai car dealership showroom and service center. The remodel will include enclosing and expanding the existing open-air drive-up area; expanding the showroom and customer service building; adding a new approximately 700 square foot vehicle pick-up canopy; and remodeling the building's existing façade. In total, approximately 3,000 square feet of existing building area will be enclosed and approximately 500 square feet added. The site is in the Planned Unit Development No. PUD-110-96 zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-091-2020, subject to the recommended Conditions of Approval.

C.2. CONDITIONAL USE PERMIT NO. CUP-194-2020

APPLICANT: 7-ELEVEN, INC.

LOCATION: SOUTHEAST CORNER OF CHAPMAN AVENUE AND HASTER STREET AT 13054 CHAPMAN AVENUE

REQUEST: Conditional Use Permit approval to allow an existing convenience store, 7-Eleven, to continue to operate with an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. Currently, the store operates with an ABC Type "20" (Off-Sale, Beer and Wine) License without a Conditional Use Permit. The Garden Grove Municipal Code requires the approval of a new Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-194-2020, subject to the recommended Conditions of Approval.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

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

Meeting Minutes
Thursday, October 15, 2020

CALL TO ORDER: 7:01 p.m.

ROLL CALL:

Chair Lehman
Vice Chair Perez
Commissioner Le
Commissioner Lindsay
Commissioner Ramirez
Commissioner Soeffner

Absent: Le, Lehman

PLEDGE OF ALLEGIANCE: Led by Commissioner Ramirez.

ORAL COMMUNICATIONS – PUBLIC – None.

September 17, 2020 MINUTES:

Action: Received and filed.

Motion: Lindsay Second: Ramirez

Ayes: (4) Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

Absent: (2) Le, Lehman

ITEM FOR CONSIDERATION - A request to modify the building façade of the existing commercial office building, located at 12865 Main Street.

Action: Resolution No. 6009-20 was approved.

Motion: Lindsay Second: Ramirez

Ayes: (4) Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

Absent: (2) Le, Lehman

MATTERS FROM COMMISSIONERS: Commissioner Soeffner asked for an update on the Cottage Industries project. Staff responded that there were ongoing meetings

and the developer was working on securing financing while deciding which property to develop first.

Commissioner Lindsay asked for an update on the Manager's Memo request from Planning to the City Council asking for the Council to agendaize a discussion on securing a consultant to provide a comprehensive review of Downtown Main Street in regard to the Main Street Architectural Design Guidelines, along with a review of the Civic Center area, the future of overall parking, and the Re-imagine initiative. Staff responded that the letter had been prepared and forwarded to the Director for review.

Vice Chair Perez asked if there was a restriction on the size of campaign signs. Staff replied there were no specific regulations except for posting times and location restrictions, such as on the public right-of-way.

MATTERS FROM STAFF: Staff gave a brief description of agenda items for the next three meetings.

ADJOURNMENT: At 7:24 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, November 5, 2020, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southwest corner of Trask Avenue and Brookhurst Street, at 9898 Trask Avenue
HEARING DATE: November 5, 2020	GENERAL PLAN: Heavy Commercial
CASE NO.: Site Plan No. SP-091-2020	ZONE: Planned Unit Development No. PUD-110-96
APPLICANT: Pete Shaver	CEQA DETERMINATION: Exempt Section 15301 – Existing Facilities
PROPERTY OWNER(S): Hyundai of Garden Grove	APN: 098-090-57 & 098-090-58

REQUEST:

The applicant is requesting Site Plan approval to enclose approximately 3,000 square feet of an existing covered service area into an indoor service area for the existing Hyundai car dealership. An additional 500 square feet of building area will be added to the existing service customer waiting area and showroom building, and a new 709 square foot vehicle pick-up canopy will also be added.

BACKGROUND:

The property is an approximately 2.46-acre new car dealership located on the southwest corner of Trask Avenue and Brookhurst Street, at 9898 Trask Avenue. The property has a General Plan Land Use Designation of Heavy Commercial and is zoned Planned Unit Development No. PUD-110-96. The site has been used as a car dealership since 1995.

The property is located in the Garden Grove Auto Center area. To the north, across Trask Avenue, the property is adjacent to R-1 (Single-Family Residential), and O-S (Open Space) zoned properties. To the east, across Brookhurst Street, the subject property is adjacent to Planned Unit Development No. PUD-110-96 zoned properties, also improved with car dealerships. To the south, the subject property is adjacent to State Highway 22. To the west, the subject property is adjacent to car dealerships zoned Planned Unit Development PUD-103-82.

The subject site has a long history of being used as a car dealership. In 1985, the zoning of the property was changed to Planned Unit Development No. PUD-101-85 to allow the establishment of a car dealership, consistent with the existing PUD designations and dealerships to the west of the property. A Hyundai car dealership showroom and service building were approved under Site Plan No. SP-136-85. The

dealership was changed to Dodge in 1995. In 1996, the zoning was changed to Planned Unit Development No. PUD-106-96 to facilitate the expansion of the dealership to the former service station property on the southwest corner of Trask Avenue and Brookhurst Street. Later that year, the zoning was changed to the current Planned Unit Development No. PUD-110-96 in order to address signage throughout the Garden Grove Auto Center area.

In 2002, the City entered into Development Agreement No. DA-106-127 to redesign the car dealership onsite. Site Plan No. SP-302-02 and Parcel Map No. PM-2001-243 were approved in 2002 for the consolidation of two lots into one, and the construction of the current car dealership and service center. This reflects the current improvements on the site. Hyundai returned to the location in 2009, according to Business Tax records. The applicant is now proposing to enclose a previously covered area into an indoor service area, add approximately 500 square feet of building area, and add a new 709 square foot vehicle pick-up canopy.

The Garden Grove Municipal Code requires Site Plan approval when an addition to a commercial building exceeds 10% of the existing floor area, or 1,000 square feet, whichever is less. In this case, the applicant proposes approximately 1,200 square feet in new building area, thus warranting a Site Plan.

PROJECT STATISTICS:

	Provided	PUD-110-96 Requirements
Minimum Lot Size	2.46 Acres	1 Acre
Setbacks		
Front (North)	52'-1"	10'-0"
Rear (South)	0'-0"	0'-0"
Side (East)	39'-10"	0'-0"
Side (West)	320'-0"	0'-0"
Parking	198 spaces	89 spaces
Building Height	31'-0"	60'-0"
Site Coverage	26.8%	50% net site area

DISCUSSION:

SITE PLAN:

Circulation, Parking, and Unit Design

The project will consist of enclosing approximately 3,000 square feet of the existing service area canopy structure into additional service area. The existing entrance to the service portion of the building is already covered with a roof structure. The applicant is proposing to enclose this space, structurally maintaining the existing roof canopy. Therefore, it is already considered building area, and the enclosure of the space is not considered to be a new addition to the existing building.

Additionally, 500 square feet of new building area will be added to the north side of the dealership building. The addition will expand the showroom, and customer lounge area. A new 709 square foot canopy structure will be added to the showroom building. The new canopy will be located on the far west side of the existing building to serve as a vehicle pick-up area. Unlike the enclosing of the service area vehicle drop-off, these additions are considered new building area.

As a part of the subject request, the on-site circulation of the site will not change. The new service area drop-off area, as previously mentioned, is considered existing building area, and walls will only enclose the space. The addition to the dealership building will narrow the existing sidewalk space in front of the building, but still maintain required pedestrian circulation. The new vehicle pick-up canopy will occupy a currently empty space next to a utility closet, and the existing electronic billboard. No on-site parking will be lost as a result of the subject request.

The Planned Unit Development No. PUD-110-96 refers to the Municipal Code in its parking requirements. The required number of parking spaces for "Auto Retail" is based on the square footages of the display, service, and storage areas on the property. The Municipal Code requires one (1) space per 400 square feet of gross floor area of inside display, plus one (1) space per 2,000 square feet of outside display, plus one (1) space per 500 sq. ft. of gross floor area of repair, plus one (1) space per 300 square feet of gross floor area of parts storage and sales area. Under the subject proposal, the dealership building has 3,267 square feet of indoor display area, 49,391 square feet of outside display area, a 15,342 square foot repair area, and 7,396 square feet of parts storage and sales. This requires 89 parking spaces. The site provides 198 parking spaces, a one hundred nine (109) space surplus. Even with the changes to the design of the building, the parking requirements of the Municipal Code have been met.

The alterations and additions to the building will help modernize the dealership's services. With the additional square footage, the dealership can reconfigure, and redesign its interior display, service, and sales operations. Furthermore, the changes to the building will be consistent with the overall design of the building.

Building Design

Currently the design of the dealership building features softer, rounded corners, and circular columns. The subject request, with its alterations to the building will feature harder, squared corners, consistent with more contemporary designs. The addition to the showroom portion of the building will bring the walls outward, flush with the existing columns that support the roof structure. Similarly, the enclosing of the service area will square off the space, allowing for vehicles to pull straight into the service area, instead of at an angle. The building's roof structure and shape will not change as a part of this request, with the overall height of the building remaining at thirty-one feet (31'-0"). No changes are proposed to the second-story parking deck and office area as a part of this request.

The additions to the building will be designed in a contemporary style to match the remainder of the building. The enclosed service area will use stucco walls with some scorings, and will rely primarily on paint to add visual interest. New doors and windows also help add visual interest. The new addition to the showroom portion of the building will feature floor-to-ceiling windows and a new storefront door. A patterned aluminum band, painted in a bronze color will be featured across the front façade, visually connecting the vehicle pick-up, expanded showroom, and service areas of the building. The entirety of the building will be repainted in Earthy tones of beiges and browns. The building design, as well as the new signage, meet all applicable Municipal Code requirements.

CEQA

The California Environmental Quality Act (CEQA) Class 1 exemption applies to minor alterations to private structures involving negligible or no expansion beyond the existing use (CEQA Guidelines §15301.). This includes additions to existing structures, provided that the addition will not result in an increase more than 50 percent of the floor area before the addition, or 2,500 square feet, whichever is less (CEQA Guidelines §15301.(e).1.). The subject request for the expansion of the existing showroom building will only result in approximately 1,200 square feet of new building area being added. This does not exceed the 2,500 square foot threshold. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

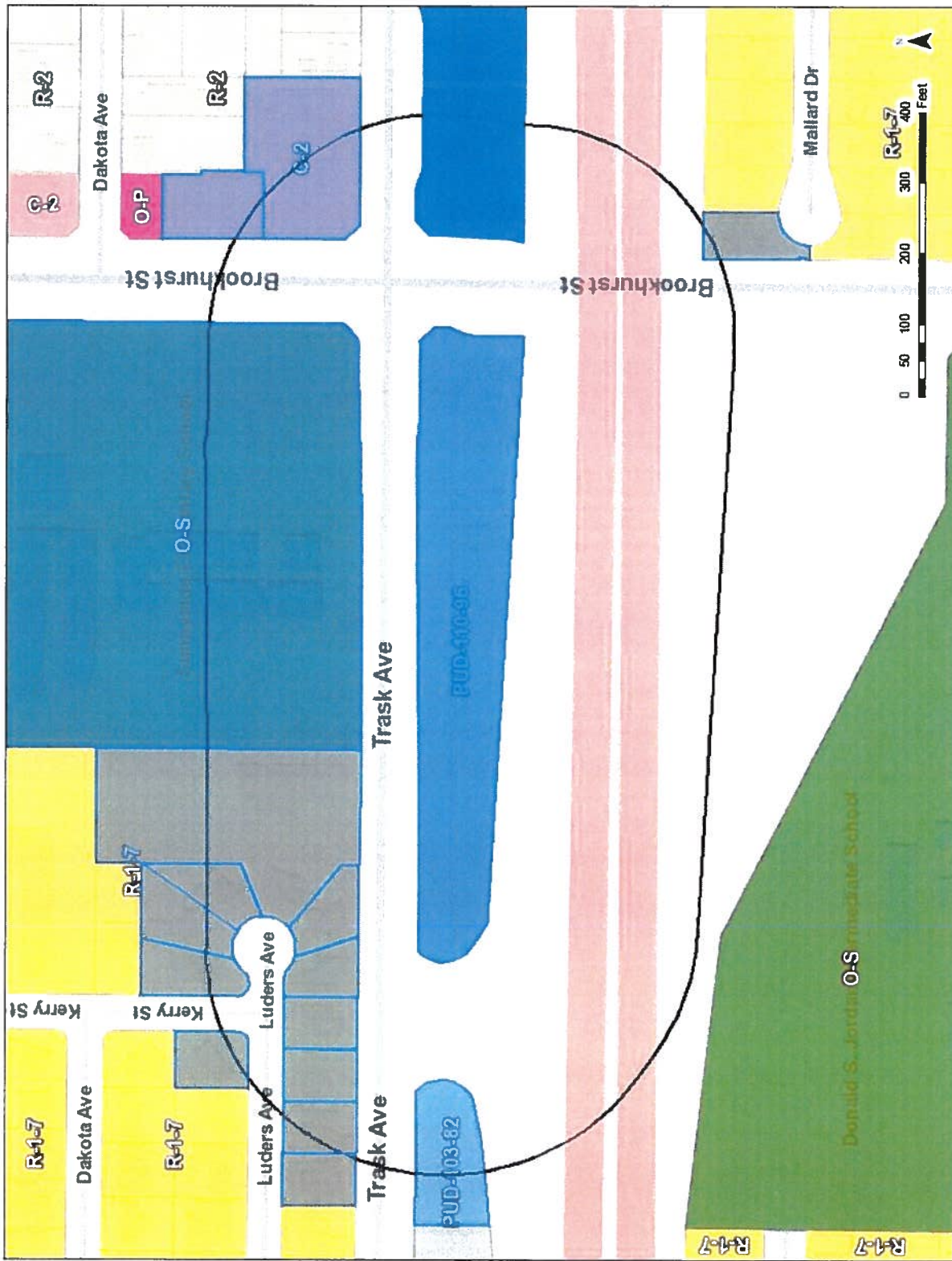
1. Adopt Resolution No. 6010-20, approving Site Plan No. SP-091-2020, subject to the recommended Conditions of Approval.



LEE MARINO
Planning Services Manager

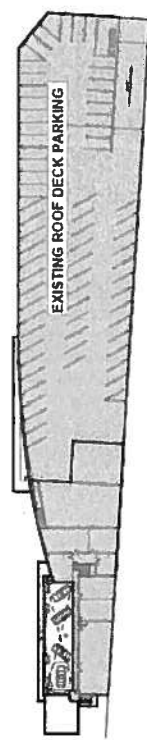


By: Preet Kaskla
Assistant Planner

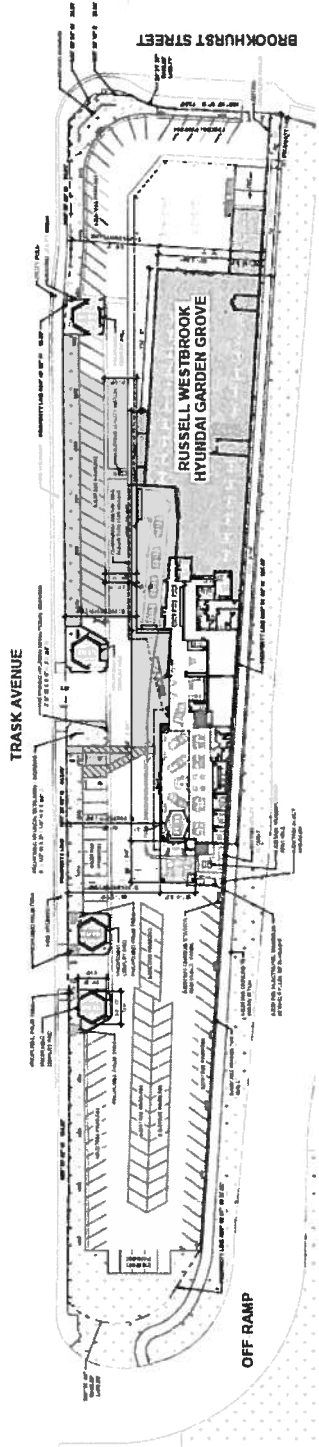


<p>GOREE ARCHITECTS 11111 WILSON AVENUE, SUITE 100 BELLFLOWER, CALIFORNIA 91706 TEL: 714.861.1111 WWW.GOREEARCHITECTS.COM</p>	<p>RUSSELL WESTBROOK HYUNDAI GARDEN GROVE</p> <p>AN EXISTING FACILITY SHALL BE REMOVED.</p> <p>NEW TRUCK/AIR CONDITIONING CA 02/04</p>		<p>PROPOSED SITE PLAN A2</p>
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PROJECT SITE SUMMARY	
TYPE	UNIT / AREA
NET PARCEL SIZE	107,244 SF
LANDSCAPING AREA	15,951 SF
EXISTING BUILDING AREA	TOTAL 60,703 SF
FIRST FLOOR	25,307 SF
SECOND FLOOR	7,758 SF
SECOND FLOOR - PARKING DECK	27,637 SF
PROPOSED BUILDING AREA	TOTAL 84,179 SF
FIRST FLOOR	28,763 SF
SECOND FLOOR	7,758 SF
SECOND FLOOR - PARKING DECK	27,657 SF
PARKING	TOTAL 198 SPACES
SITE PARKING	131 SPACES
ROOF DECK PARKING	65 SPACES
ADA PARKING SPACE	2 SPACES (1% OF PARKING)
PARKING AREA	TOTAL 78,857 SF
SITE PARKING	49,307 SF
ROOF DECK PARKING	27,260 SF
LANDSCAPE WITHIN PARKING AREA	0 SF (0% OF PARKING)



2 SECOND FLOOR & PARKING DECK
1" = 1'-0"



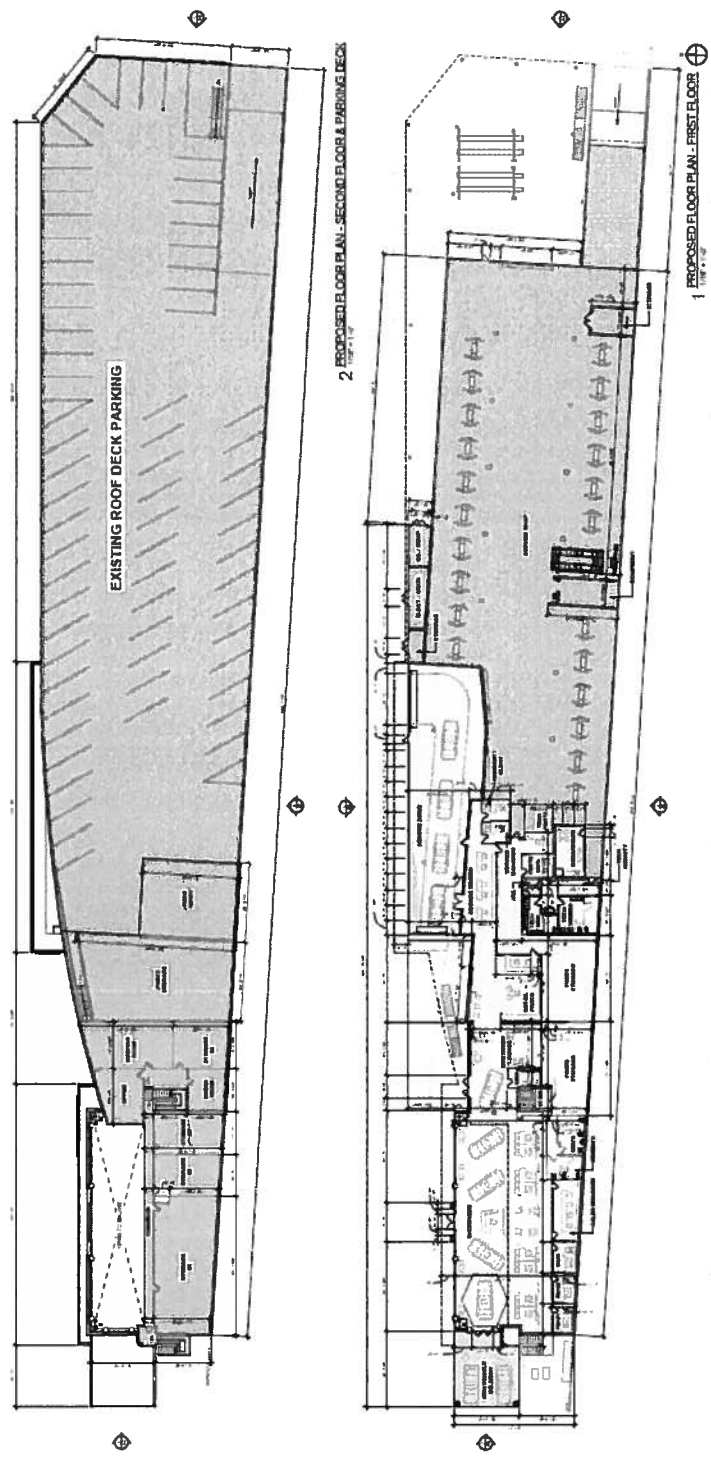
1 PROPOSED SITE PLAN
1" = 1'-0"

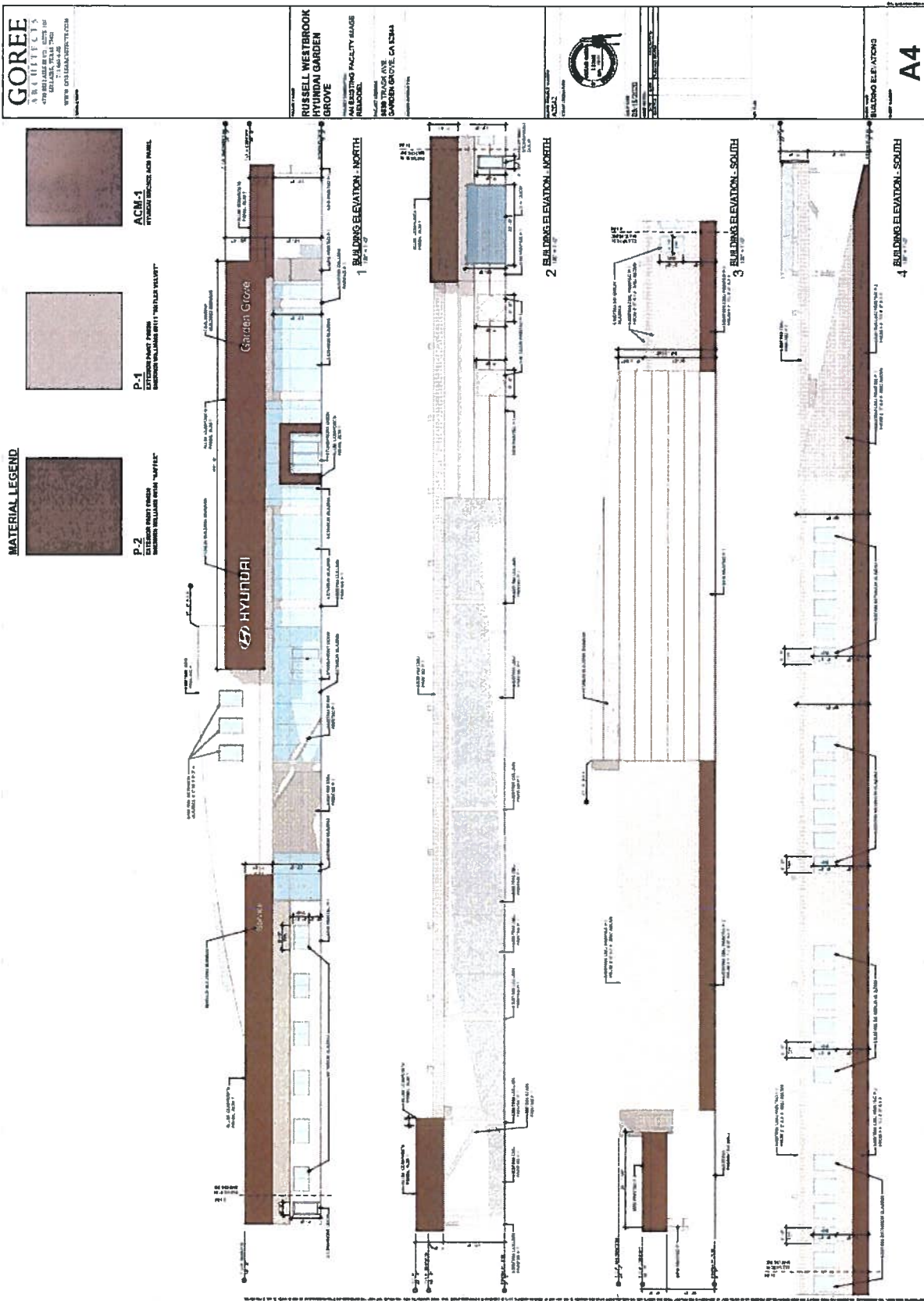
GOREE ARCHITECTS 4000 RIVERSIDE DRIVE SUITE 200 DUBLIN, CA 94568 TEL: 925.835.1100 WWW.GOREEARCHITECTS.COM	HANSEL WESTBROOK HANSEL GARDEN GROVE AN EXISTING FACILITY MAJOR REMODEL	MARK TRAMER MARK TRAMER ARCHITECTURE 1000 RIVERSIDE DRIVE SUITE 200 DUBLIN, CA 94568 TEL: 925.835.1100		A3 PROPOSED FLOOR PLANS

PROJECT FLOOR PLAN SUMMARY	TYPE	AREA
PROPOSED FIRST FLOOR		
EXISTING		TOTAL 28,783 SF
REMODEL		12,492 SF
EXPANSION		148 SF
PROPOSED SECOND FLOOR		
EXISTING		TOTAL 7,738 SF
REMODEL		1,751 SF
EXPANSION		0 SF
PROPOSED PARKING DECK		
EXISTING		TOTAL 27,637 SF
REMODEL		0 SF
EXPANSION		0 SF
TOTAL BUILDING		
		TOTAL 64,179 SF

FIRST FLOOR ROOM SUMMARY	ROOM	AREA
EXISTING ROOF DECK PARKING		
		28,783 SF
PROPOSED FIRST FLOOR		
NEW VEHICLE DELIVERY		700 SF
STORAGE ROOM		3,207 SF
PLU #1		114 SF
PLU #2		121 SF
GSM		126 SF
SALES MANAGER		284 SF
WOMEN'S		142 SF
MEN'S		174 SF
STAIR		106 SF
KID'S		65 SF
CUSTOMER LOUNGE		772 SF
RETAIL PARTS		1,814 SF
PARTS STORAGE		177 SF
TECHMEN		268 SF
TECHWOMEN		55 SF
JAN		208 SF
TECH ASSISTANT		119 SF
PARTS WAREHOUSE		282 SF
BREAK ROOM		101 SF
TECH PARTS		2,759 SF
SERVICE DRIVE		80 SF
SERVICE WAREHOUSE		81 SF
SERVICE MATERIALS		85 SF
WAREHOUSE CLERK		65 SF
SERVICE SHOP		13,542 SF
TOTAL FIRST FLOOR		
		TOTAL 28,783 SF

SECOND FLOOR ROOM SUMMARY	ROOM	AREA
EXISTING SECOND FLOOR		
STORAGE #1		1,201 SF
STORAGE #2		434 SF
STORAGE #3		488 SF
OFFICE		2,725 SF
MEETING ROOM		647 SF
STORAGE #4		304 SF
BREAK ROOM		248 SF
PARTS STORAGE		2,741 SF
MAKE READY		1,127 SF
TOTAL SECOND FLOOR		
		TOTAL 7,738 SF





A4

RESOLUTION NO. 6010-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-091-2020 FOR PROPERTY LOCATED AT 9898 TRASK AVENUE, ASSESSOR'S PARCEL NOS. 098-090-57 AND 098-090-58.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on November 5, 2020, hereby approves Site Plan No. SP-091-2020 for a car dealership located on the southwest corner of Trask Avenue and Brookhurst Street, at 9898 Trask Avenue, Assessor's Parcel Nos. 098-090-57 and 098-090-58.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-091-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Pete Shaver.
2. The applicant is requesting Site Plan approval to enclose approximately 3,000 square feet of an existing covered service area into an indoor service area for the existing Hyundai car dealership. An additional 500 square feet of building area will be added to the existing service customer waiting area and showroom building, and a new 709 square foot vehicle pick-up canopy will also be added.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission hereby determines that this project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Regs., Section 15301).
4. The property has a General Plan Land Use Designation of Heavy Commercial and is zoned Planned Unit Development No. PUD-110-96. The site is currently developed with an approximately 2.46-acre Hyundai car dealership.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 5, 2020, 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 November 5, 2020; and

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

FACTS:

The property is an approximately 2.46-acre car dealership on the southwest corner of Trask Avenue and Brookhurst Street, at 9898 Trask Avenue. The property has a General Plan Land Use Designation of Heavy Commercial and is zoned Planned Unit Development No. PUD-110-96. The property is located in the Garden Grove Auto Center area, with car dealerships to the east and west, residential and open space uses to the north, and State Highway 22 to the south. The property has been improved with a car dealership since 1985. The current site improvements were approved in 2002, with the current tenant, Hyundai, operating at the location since 2009.

The applicant is now proposing to enclose a previously covered car service area into an indoor service area, add approximately 500 square feet of building area, and add a new 709 square foot vehicle pick-up canopy. No changes to the parking area, or on-site circulation are proposed. In total, the site is required to provide 89 parking spaces, and the site provides 198 parking spaces. On the exterior, the design of the expanded areas will match the existing store.

The project has been designed to comply with the development standards of the PUD-110-96 zone, and the Garden Grove Municipal Code, including setbacks, parking, building height, and the minimum lot size requirements.

FINDINGS AND REASONS:

SITE PLAN

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

The property has a General Plan Land Use Designation of Heavy Commercial and is zoned Planned Unit Development No. PUD-110-96. The Heavy Commercial (HC) designation is intended to provide for a variety of more intensive commercial uses, some of which may be incompatible with residential neighborhoods. These uses include automobile repair, sales, and services. The Planned Unit Development No. PUD-110-96 zone is intended to accommodate several new automobile dealerships in an attractive and architecturally compatible environment adjacent to the Garden Grove

Freeway in an effort to maximize the retail sale of new automobiles in the City of Garden Grove.

A new indoor service area will be converted from an existing open service area, approximately 500 square feet of building area will be added, and a new 709 square foot vehicle pick-up canopy will be constructed, subject to the approval of the Site Plan. The proposed project is compatible with the character of the existing car dealership, and the surrounding land uses. The use of the building will not be changed, as the proposed use will continue as an automobile retailer, with accompanying automobile service center.

The project is designed to comply with the General Plan Land Use Designation, the development standards of the PUD-110-96 zone, Municipal Code, and all other applicable ordinances. This includes, but is not limited to, compliance with: setbacks, parking, building height, and the minimum lot size requirements of the zone. The expansion's contemporary design fits with the character of the surrounding car dealerships.

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

There are no proposed changes to the parking lot, or on-site circulation. The new indoor service area is a conversion of the 3,000 square foot existing outdoor service center; it is not an expansion of the existing footprint of the building. The existing entrance to the service portion of the building is already covered with a roof structure. The applicant is proposing to enclose this space, structurally maintaining the existing roof canopy. With no expansion, the existing circulation and access for vehicles and pedestrians is sufficient to support the proposed alteration.

Approximately 500 square feet of new building area, and a 709 square foot vehicle pick-up canopy will be added. The addition to the dealership building will narrow the existing sidewalk space in front of the building while still maintaining required pedestrian circulation. The new vehicle pick-up canopy will occupy a currently empty space next to a utility closet, and the existing electronic billboard. In neither case do the additions impede or alter existing on-site parking or circulation. Furthermore, under the proposal, the site is required to provide 89 parking spaces, and 198 spaces are provided.

The proposed development has no major adverse impacts on the on-site facilities, including the parking, circulation, and access.

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

The streets in the area are adequate to accommodate the development. Existing utilities and drainage channels in the area are adequate to accommodate the development. The proposed development will continue to maintain landscaping and proper maintenance of the site, thereby not adversely impacting the area. The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

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

The subject development is located in an existing dealership for new automobiles. The proposed project will be compatible with the rest of the dealership, as well as the surrounding neighborhood. Architecturally, the conversion has been designed with facades to be aesthetically complimentary with the rest of the dealership. A variety of colors, materials, and massing help create visual intrigue. Furthermore, the contemporary design is compatible with the adjacent automobile dealerships in the Garden Grove Auto Center.

The project has been designed in accordance with the Planned Unit Development No. PUD-110-96 development standards. Wherein the Planned Unit Development does not specify specific development standards, the project must comply with the requirements of the Municipal Code. Specifically, the project complies with, but is not limited to, the following development standards of the PUD-110-96 zone and Municipal Code: minimum lot size, setbacks, parking, landscaping, and maximum building height.

The City's Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure physical, functional, and visual compatibility with the project's surroundings.

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

There are no proposed changes to the parking lot, and on-site circulation, with minimal changes to the landscaping existing on-site. The newly

enclosed and added building areas do not encroach upon, or reduce the existing landscaping or open space. Thus, the project maintains the visual quality already present on-site. Additionally, the design of the building, and other improvements, will ensure the building and use are attractive for patrons and employees of the dealership.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-091-2020.

EXHIBIT "A"

Site Plan No. SP-091-2020

9898 Trask Avenue

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, on the property. Proof of such recordation is required prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Pete Shaver, 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 to the Conditions of Approval require approval by the Planning Commission.
3. 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.
4. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval, determined by the Community and Economic Development Director not to be minor in nature, shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Engineering Division

6. The applicant shall be subject to 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 building permit issuance.

7. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
8. Any new modification to the existing drive approach to the site on Trask Avenue shall be in accordance with Garden Grove Standard B-120 (Option #2).
9. No parallel curb parking shall be permitted anywhere on the site.
10. The applicant shall submit site improvement plan and horizontal control plan to Building and Safety Division. The site improvement plan shall provide direction on removal and replacement of all the proposed improvements. Minimum grades on the site improvement plan shall be 0.50% for concrete flow lines and 1.25% for asphalt.
11. 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.
12. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a building permit. No construction parking is allowed on local streets.
13. Prior to issuance of a building permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
14. 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.
15. Any required lane closures shall occur outside of peak travel periods.
16. Construction vehicles shall be parked off traveled roadways in designated parking.

Water Services Division

17. If applicable, 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.

18. If applicable, fire service shall have above-ground backflow device with a double-check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Services Division.

Building and Safety Division

19. The project shall comply with the 2019 CA Building Standards Code.
20. The project shall provide an automatic fire sprinkler system as required per CBC Chapter 9.
21. The project applicant shall prepare a soil report complying with CBC Chapter 18.
22. All rooms/spaces/elements shall be made accessible and on an accessible route(s) per CBC Chapter 11B.
23. The project shall comply with Chapter 5 of the 2019 CA Green Code.

Orange County Fire Authority

24. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.

Community and Economic Development Department

25. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
26. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
27. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation

- of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
28. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Chapter 8.47 as adopted, except that:
 - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work same hours, but subject to noise restrictions as stipulated in Chapter 8.47 of the Municipal Code.
 29. 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, the use of solar or low-emission water heaters, and use of low-sodium parking lot lights, and to ensure compliance with Title 24.
 30. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.
 31. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
 32. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 33. All exterior finishes of the new building addition shall match with the exterior finishes of the existing building, to ensure architectural compatibility.
 34. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting.

35. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
 - a. Used or damaged equipment removed from vehicles during the repair process shall be stored indoors or shall be deposited in an approved covered outdoor collection receptacle for appropriate offsite disposal.
 - b. All automotive service work shall be conducted wholly within the enclosed service building.
 - c. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
36. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-091-2020, and his/her agreement with all conditions of approval.
37. 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-091-2020. 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.
38. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-091-2020 shall be valid for a period of one (1) year from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-091-2020 shall become null and void if the subject development and 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-091-2020 shall expire if the building permits for the project expire.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Southeast corner of Chapman Avenue and Haster Street, at 13054 Chapman Avenue
HEARING DATE: November 5, 2020	GENERAL PLAN: Light Commercial (LC)
CASE NO.: Conditional Use Permit No. CUP-194-2020	ZONE: C-1 (Neighborhood Commercial)
APPLICANT: 7-Eleven, Inc.	CEQA DETERMINATION: Exempt – Section 15301 - Existing Facilities
PROPERTY OWNER: Pacific Bowie - Garden Grove	APN: 231-151-26

REQUEST:

A request for Conditional Use Permit approval to allow an existing convenience store, 7-Eleven, to continue to operate with an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License for the sale of beer and wine for off-site consumption.

BACKGROUND:

The subject site is located at the southeast corner of Chapman Avenue and Haster Street, and is located to the south and east of an existing gas station. The property is 1.82 acres, and is L-shaped with dual frontage on both arterial streets. The property is improved with two (2) in-line commercial buildings located along the easterly and southerly property lines.

The property is zoned C-1 (Neighborhood Commercial), and has a General Plan Land Use Designation of Light Commercial. The property abuts C-1 zoned properties across Chapman Avenue to the north; and across Haster Street to the west; and R-3 (Multiple Family Residential) zoned properties to the south and to the east. Abutting uses to the subject property include a gas station, commercial buildings to the north and to the west, and multi-family residential buildings to the east and to the south.

The subject tenant space has been operating as a convenience store, 7-Eleven, with an ABC Type "20" (Off-Sale, Beer and Wine) License without a Conditional Use Permit at the subject property since 1993. In March 2020, the convenience store changed franchisee, and the Department of Alcoholic Beverage Control transferred the existing ABC Type "20" (Off-Sale, Beer and Wine) License to the new franchisee via a person-to-person transfer. The Municipal Code requires the approval of a

Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986. Approval of this Conditional Use Permit will establish conditions of approval to regulate the operation of the convenience store to minimize potential impacts to the community due to the sale of alcohol.

DISCUSSION:

The subject convenience store, 7-Eleven, is approximately 2,745 square feet. There are no proposed changes to the floor plan of the existing convenience store. The interior of the convenience store will continue to consist of a service counter area that includes the cashier, a hot food counter and a beverage bar; a sales area that includes walk-in coolers, display shelves, and a coffee island; storage rooms; a unisex restroom; and an office area that is reserved for staff only.

The convenience store will continue to operate 24 hours a day, seven (7) days a week, with the sale of alcohol permitted from 6:00 a.m. to 2:00 a.m., seven (7) days a week as required by ABC. There will be two (2) employees on-site at all times. The Police Department has no concerns with the convenience store continuing to operate 24 hours a day. In the event problems arise concerning the operation of the business, the hours of operation may be reduced by order of the Chief of the Police Department.

The convenience store is located in a high-crime area, and in an area with an under-concentration of Alcoholic Beverage Control off-sale licenses. Although the crime count in this area is above the average district count, there have been no complaints or issues at the subject business. A summary of the district can be found in Resolution No. 6011-20 for Conditional Use Permit No. CUP-194-2020.

The Department of Alcoholic Beverage Control only requires Findings of Public Convenience or Necessity for any original ABC license that is located in a high-crime area, and/or in an area of an over-concentration of ABC licenses. Since the requested ABC License was for a person-to-person transfer of an existing Type "20" ABC License, the City of Garden Grove is not required to make a Findings of Public Convenience or Necessity with the approval of the CUP.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for an ABC Type "20" License will apply.

CEQA:

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject request is for an existing convenience store, 7-Eleven, to continue to operate with an existing ABC Type "20" license at the subject property. Thus, the project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution No. 6011-20 approving Conditional Use Permit No. CUP-194-2020, subject to the recommended Conditions of Approval.



LEE MARINO
Planning Services Manager

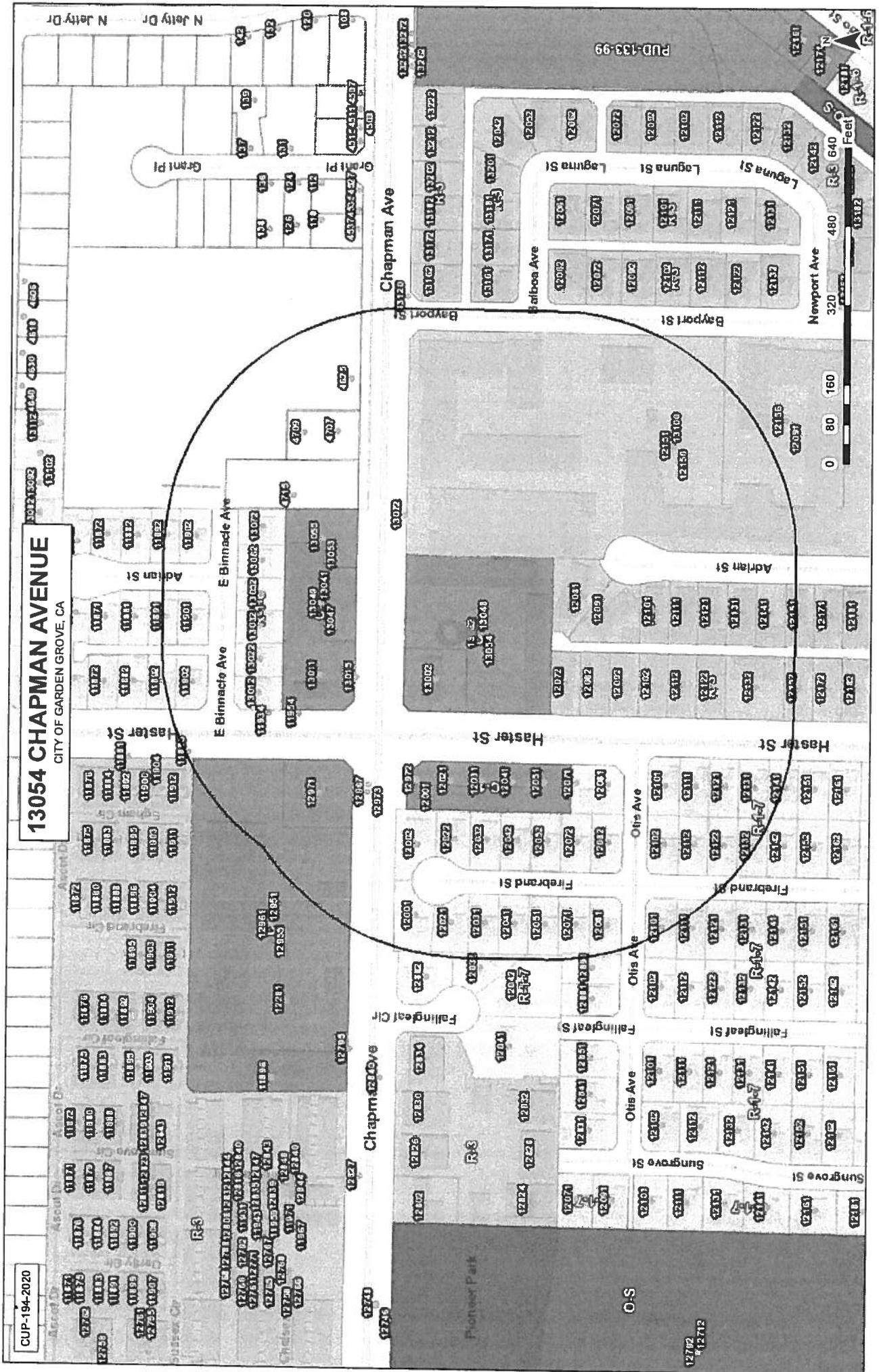


By: Huong Ly
Assistant Planner

13054 CHAPMAN AVENUE

CITY OF GARDEN GROVE, CA

CUP-194-2020

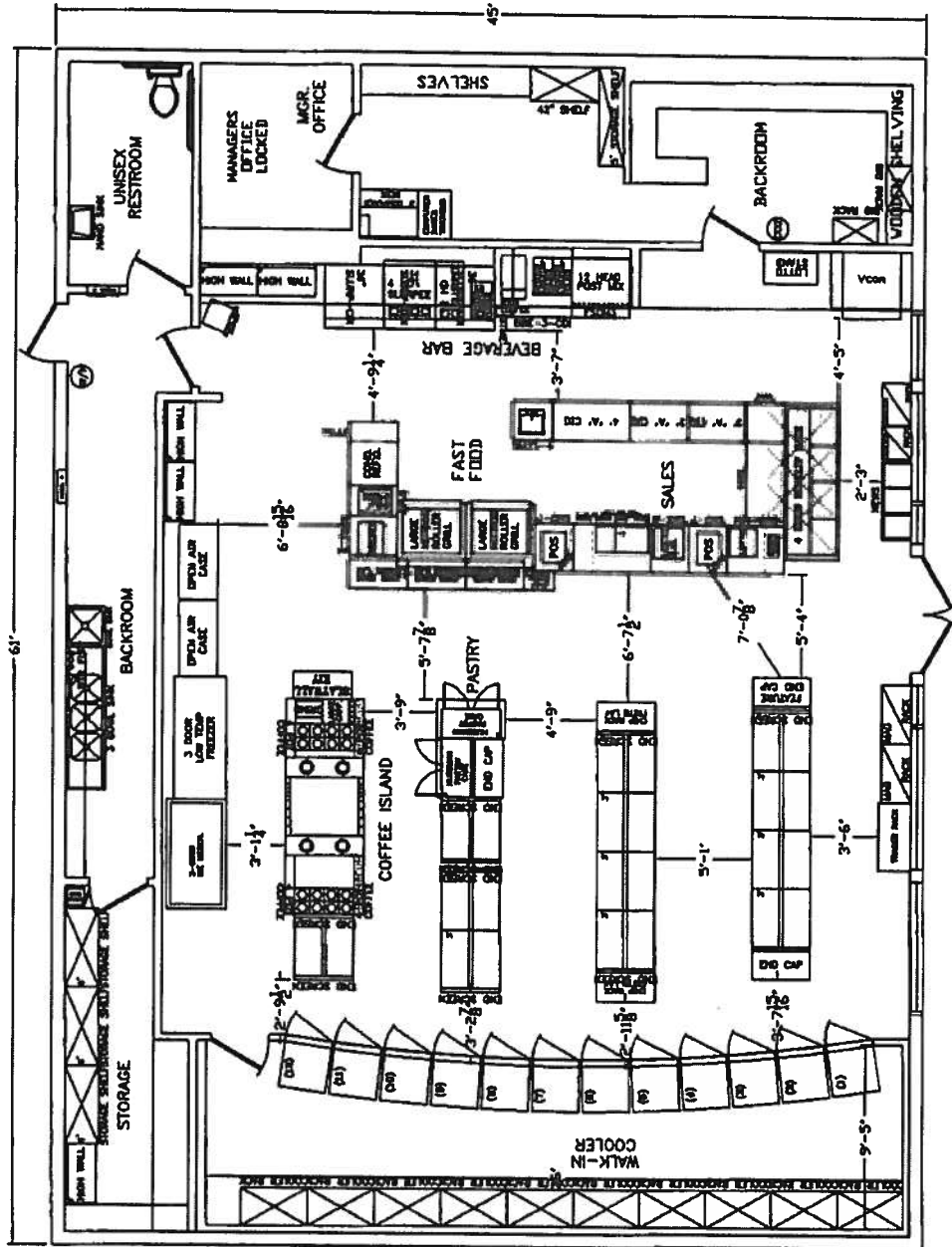


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7-ELEVEN
 STORE # 13779
 13054 CHAPMAN AVENUE
 GARDEN GROVE, CA 92840

DATE: 3/16/01
 TIME: 11:00
 BY: JTN
 DATE: 07/20/2008
 TIME: 1:00
 BY: JTN
 DRAWING NO: 13779FP
 SHEET: 1 of 2



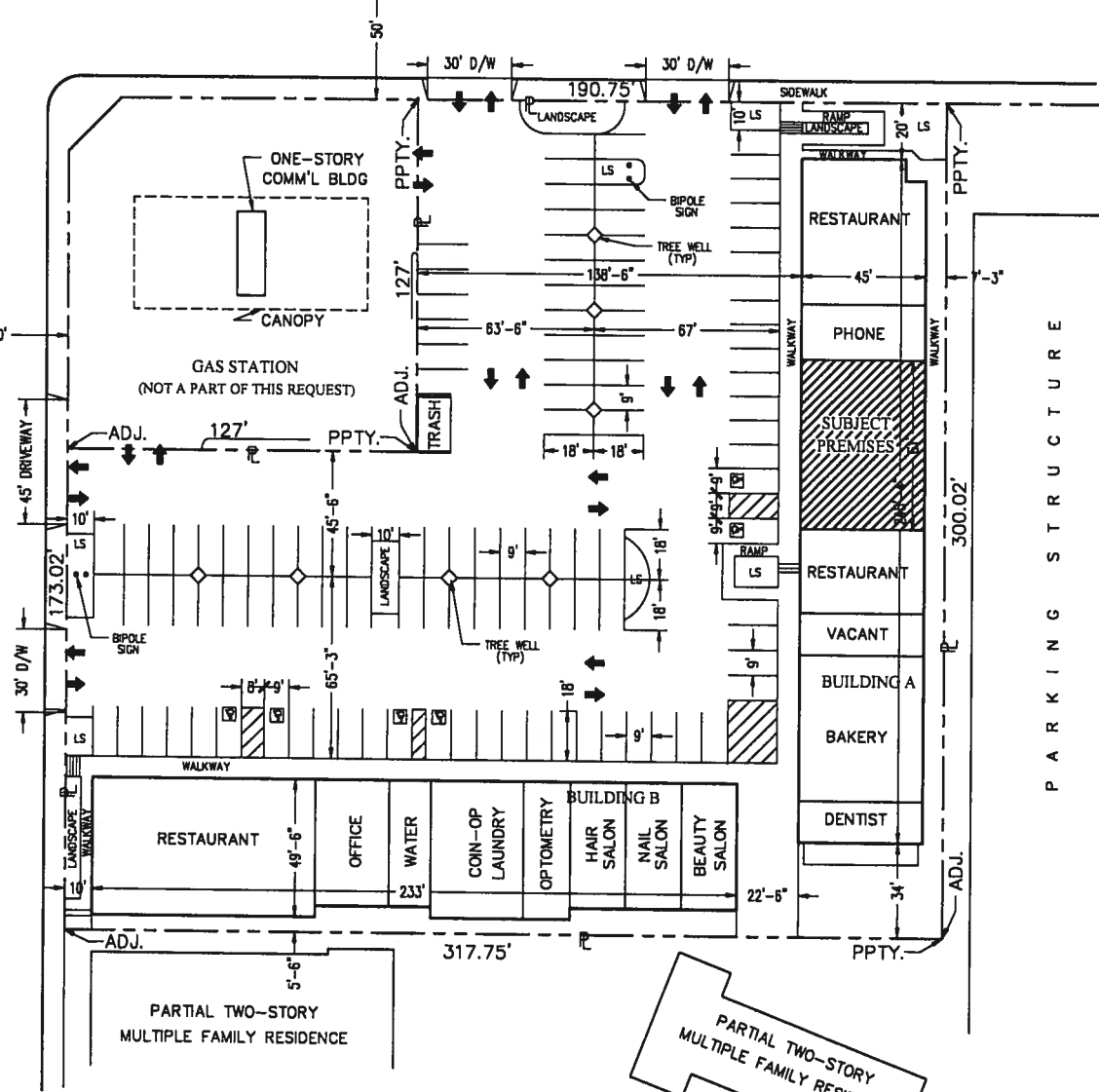
DISCLAIMER
 THIS IS A PRELIMINARY DRAWING.
 IT IS NOT TO BE USED FOR CONSTRUCTION.
 WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

CHAPMAN AVENUE

HASTER STREET

STREET

HASTER STREET



NET SIZE OF PARCEL = 1.82 Acres = 79,202 SF
 SQUARE FOOTAGE OF PROPOSED USE = 2,745
 TOTAL AREA OF LANDSCAPING = 2,480 SF
 BUILDINGS AREA = 22,110 SF
 BUILDING COVERAGE = 27.9 %
 BUILDING HEIGHT = 16-ft

Parking Provided
 Standard Spaces (8' x 18' Typ.) = 107 Spaces (85%)
 Handicapped Spaces (17' x 20' Typ.) = 6 Spaces (5%)
 Compact Spaces = 0 Spaces (0%)
 Total Spaces Provided = 113 Spaces

Building Uses
 Building A (Commercial) = 10,985 SF
 Building B (Commercial) = 11,125 SF
 Total Area = 22,110 SF

LEGEND:

- STREET CENTER LINE
- PROPERTY LINE
- LANDSCAPE AREA

NOTES:

ALL STRUCTURES AND IMPROVEMENTS
 ARE EXISTING TO REMAIN

24 20-523
 CADFILE: GG-CHAPMAN-SF

SITE PLAN

SCALE: 1" = 30"



ZUPAY MAPPING SERVICE
 13645 SHAWLOW AVE.
 SYLMAR, CA 91342
 818-833-9069

STUS: 7-eleven
 13054 CHAPMAN AVENUE
 GARDEN GROVE, CA 92840
 A.P.N. 231-151-26

CASE No:
 DATE: JUNE 8, 2020



RESOLUTION NO. 6011-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-194-2020, FOR AN EXISTING CONVENIENCE STORE LOCATED AT THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND HASTER STREET, AT 13054 CHAPMAN AVENUE, ASSESSOR'S PARCEL NO. 231-151-26.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-194-2020 for an existing convenience store located at the southeast corner of Chapman Avenue and Haster Street, at 13054 Chapman Avenue, Assessor's Parcel No. 231-151-26.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-194-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by 7-Eleven, Inc.
2. The applicant is requesting approval of a Conditional Use Permit to allow the existing convenience store, 7-Eleven, to continue to operate with an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.
3. The Planning Commission hereby determines that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-1 (Neighborhood Commercial).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 5, 2020, 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 November 5, 2020, and;

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

FACTS:

The subject site is located at the southeast corner of Chapman Avenue and Haster Street, and is located to the south and east of an existing gas station. The property is 1.82 acres, and is L-shaped with dual frontage on both arterial streets. The property is improved with two (2) in-line commercial buildings located along the easterly and southerly property lines.

The property is zoned C-1 (Neighborhood Commercial), and has a General Plan Land Use Designation of Light Commercial. The property abuts C-1 zoned properties across Chapman Avenue to the north; and across Haster Street to the west; and R-3 (Multiple-Family Residential) zoned properties to the south and to the east. Abutting uses to the subject property include a gas station, commercial buildings to the north and to the west, and multiple-family residential buildings to the east and to the south.

The subject tenant space has been operating as a convenience store, 7-Eleven, with an ABC Type "20" (Off-Sale, Beer and Wine) License without a Conditional Use Permit at the subject property since 1993. In March 2020, the convenience store changed franchisee, and the Department of Alcoholic Beverage Control transferred the existing ABC Type "20" (Off-Sale, Beer and Wine) License to the new franchisee via a person-to-person transfer. The Municipal Code requires the approval of a Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986. Approval of this Conditional Use Permit will establish conditions of approval to regulate the operation of the convenience store to minimize potential impacts to the community due to the sale of alcohol.

The convenience store is located in a high-crime district, and in an area with an under-concentration of Alcoholic Beverage Control Off-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 163.
- The crime count for the District is 191.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 97% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 761.03.
- ABC Census Reporting District No. 888.01 allows for five (5) off-sale licenses within the District. Currently, there are two (2) off-sale licenses in the District. The approval of this CUP will not increase the number of off-sale licenses in the District 761.03. Thus, the total of off-sale licenses will remain at two (2) licenses.

The Department of Alcoholic Beverage Control only requires Findings of Public Convenience or Necessity for any original ABC license that is located in a high-crime area, and/or in an area of an over-concentration of ABC licenses. Since the requested ABC License was for a person-to-person transfer of an existing Type "20" ABC License, the City of Garden Grove is not required to make a Findings of Public Convenience or Necessity with the approval of the CUP.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). Off-site sales of alcohol in conjunction with a convenience store are conditionally permitted in the C-1 zone. The subject site has been operating as a convenience store, 7-Eleven, with the State ABC Type "20" (Off-Sale, Beer and Wine) License at the subject property since 1993. In March 2020, the convenience store changed its franchisee. The Department of Alcoholic Beverage Control transferred the existing ABC Type "20" (Off-Sale, Beer and Wine) License to the new franchisee via a person-to-person transfer. There are no proposed changes to the floor plan and the operation of the existing convenience store. Title 9 of the Municipal Code requires the approval of a Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986. Approval of this request will allow 7-Eleven to continue to operate with an existing ABC Type "20" (Off-Sale, Beer and Wine) License at the subject location. Provided that conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. A Conditional Use Permit is required when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986. The conditions of approval will minimize potential impacts to the adjoining area. The subject convenience store, 7-Eleven, has been operating with an ABC Type "20" License since 1993. Due to recent change of the franchisee in March 2020, the Department of Alcoholic Beverage Control transferred the existing ABC Type "20" (Off-Sale, Beer and Wine) License to

the new franchisee via a person-to-person transfer. There are no change is proposed to the existing floor plan. The convenience store will continue to operate 24 hours a day, seven (7) days a week, with the sale of alcohol limited from 6:00 a.m. to 2:00 a.m., seven (7) days a week as required by ABC. There have been no complaints or issues at the subject business, and the Police Department has no concerns about the convenience store continuing to operate 24 hours a day. The sale of alcoholic beverages at the subject site will be restricted for off-site consumption only. On-site consumption of alcoholic beverages will be prohibited. 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.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By continuing to operate as a retail convenience store, with ancillary beer and wine sales for off-site consumption only, the use will be compatible with the surrounding uses.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area.

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

The site is served by Chapman Avenue and Haster Street, which are fully developed streets that provide adequate traffic circulation and driveway access to public parking areas. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. 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) and 9.16.020.080 (Alcoholic Beverage Sales).
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-194-2020.

EXHIBIT "A"
Conditional Use Permit No. CUP-194-2020

13054 Chapman Avenue

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, 7-Eleven, Inc., the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 2,745 square feet convenience store, 7-Eleven, with an Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in

the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. The convenience store will continue to operate 24 hours a day, seven (7) days a week, with the sale of alcohol limited from 6:00 a.m. to 2:00 a.m., seven (7) days a week as required by ABC. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
12. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic

Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.

14. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
15. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

Community and Economic Development Department

16. This approval shall allow the convenience store to operate with ancillary alcoholic beverage sales.
17. The sales area for alcoholic beverages shall not exceed 5% of the retail sales floor area of the store.
18. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
19. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
20. There shall be no amusement devices permitted on the premises at any time.
21. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
22. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
23. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.

24. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
25. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
26. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
27. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
28. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
29. 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.
30. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
31. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.

32. 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.
33. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
34. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
35. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
36. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
37. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-194-2020 shall be kept on the premises at all times.
38. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-194-2020 and his/her agreement with all conditions of the approval.
39. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
40. 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.
41. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents

and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-194-2020. 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.

42. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-194-2020 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.
43. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.