

File

ORDINANCE NO. 2359

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REPEALING ORDINANCE NO. 1279 AND PLANNING COMMISSION RESOLUTION NO. 2592, AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-108-96 TO ALLOW THE CONSTRUCTION OF A 3,664 SQUARE-FOOT TWO-STORY ADDITION TO AN EXISTING BUILDING (TAM'S BEAUTY COLLEGE) FOR PARCELS OF LAND LOCATED ON THE NORTHWEST CORNER OF WESTMINSTER AVENUE AND DAWSON STREET AT 10121, 10123, 10125, 10131, 10137, 10141, 10151, 10161, 10171, 10181, 10191, 10201, 10211, 10221, WESTMINSTER AVENUE, 13881 AND 13911 DAWSON STREET, PARCEL NOS. 098-585-10 THROUGH 15

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1:

WHEREAS, PUD-108-96, initiated by Bill Vu, proposes to construct a 3,664 square-foot two-story addition to an existing building (Tam's Beauty College) located in the Westbrook Bowl Commercial Center; and

WHEREAS, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission, at a public hearing on May 9, 1996, recommended approval of Planned Unit Development No. PUD-108-96; and

WHEREAS, pursuant to legal notice, public hearing was held by the City Council on June 25, 1996, and all interested persons were given an opportunity to be heard; and

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

NOW, THEREFORE, BE IT RESOLVED:

1. A Negative Declaration of Environmental Impact prepared for PUD-108-96, pursuant to the California Environmental Quality Act (CEQA), is herein adopted. Further, the City Council finds that there is a de minimis impact in relation to fish and game.

2. Planned Unit Development No. PUD-108-96 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 4648, a copy of which is on file in the office of the City Clerk and incorporated herein by reference with the same force and effect as set forth in full.

3. Ordinance No. 1279 and Planning Commission Resolution No. 2592 approving Planned Unit Development No. PUD-110-72, are hereby repealed in their entirety.

SECTION 2:

1. Planned Unit Development No. PUD-108-96 is hereby adopted and the property shown on the map attached hereto is rezoned to the PUD-108-96 zone as shown thereon. Zone Map Part D-9 is amended accordingly.

2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety and general welfare, and to implement the development and approved uses for Planned Unit Development No. PUD-108-96, the following conditions of approval shall apply:

CONDITIONS OF APPROVAL:

- A. All below-listed conditions of approval are required to be recorded. Recordation of said conditions is the responsibility of the applicant; and proof of such recordation is required prior to the issuance of building and/or business permits. 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 of the Planning Commission.
- B. Approval of this Planned Unit Development 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 Garden Grove Municipal Code shall apply.
- C. Minor modifications or any type of building construction shall be approved by the Planning Commission through a Site Plan Application. If other than minor changes are proposed, approval of a new Planned Unit Development, containing all proposed revisions, shall be required.
- D. All new 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.
- E. All lighting structures, as necessary, shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting shall be restricted to decorative type wall-mounted lights, or preferably, a ground lighting system. Parking area lighting shall be provided during the hours of darkness the establishments are open at a minimum of two footcandles of light on the parking surface and a minimum of one footcandle of light during all other hours of darkness. In order to ensure this lighting intensity, the applicant/property owner shall submit a photometric plan to the Planning Division prior to the issuance of building permits.
- F. The site shall be clean and free of all debris at all times.
- G. The following uses may be established in the commercial areas of this PUD:
 - 1. Any use permitted in the C-1 (Neighborhood Commercial) zone.
 - 2. Bank and other Financial Institutions
 - 3. Restaurant
 - 4. The following uses may be permitted subject to the approval of a Conditional

Use Permit

- a. Bowling Alley
- b. Ice skating rink
- c. Movie Theater

H. Utilities and mechanical equipment:

1. All new on- and off-site utilities on the subject lot shall be installed underground.
 2. All new above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in either the front/street setbacks or the front parking area and shall be screened to the satisfaction of the Development Services Department.
 3. No new roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Development Services Department prior to issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 4. All new ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
- I. Prior to the final building inspection and before a tenant occupies the addition, the applicant/property owner shall comply with all provisions of the Development Services' Engineering Division. This includes, but is not limited to, the following:
1. All deficient improvements in the public right-of-way adjacent to the subject site shall be removed and reconstructed. Replace damaged improvements as required.
 2. Separate plans prepared by a registered civil engineer required for construction of improvements within the public right-of-way.
 3. The applicant/property owner shall be responsible for the reconstruction of the westerly most driveway approach along Westminster Avenue. This driveway approach shall be reconstructed per City's standard Plan B-120. Reconstruction of on-site curbs adjacent to driveways is also required.
 4. The applicant/property owner shall be responsible for the reconstruction of the concrete swale on the subject site. This construction shall comply with City regulations.

5. Bonds shall be posted to secure all work within the public right-of-way and all public improvements.
- J. Prior to the final building inspection and before a tenant occupies the addition, the applicant/property owner shall comply with all provisions of the Development Services' Traffic Engineering Division. This includes, but is not limited to, the following:
1. All entrances to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The signs shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code.
 2. All compact parking stalls, on the subject site, shall be individually marked. All handicap parking stalls shall be marked and signed in accordance with C.V. 22511.8(a). All parking stalls shall be hairpin striped. Parking of vehicles in the storage area is prohibited.
- K. All provisions of the Garden Grove Fire Department shall be met. This includes, but is not limited to, the following:
1. Address shall be visible from the street (in contrasting colors) U.F.C. Section 10.208.
 2. Fire extinguisher locations and ratings to be determined by the Fire Inspector. U.F.C. Article 10.
 3. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.
 4. All provisions of the Garden Grove Public Services' Water Services Division shall be met.
 5. The applicant/property owner shall be responsible for the installation of one additional emergency exit in the area denoted as the Lecture room of the beauty college as required by the Fire Department.
- L. All provisions of the Garden Grove Sanitation District shall be met.
- M. All provisions of the Building Services Division shall be met. The building plans, site plans and all construction shall comply with the current editions of the U.M.C., U.B.C., U.P.C., N.E.C., as amended by the City of Garden Grove and State of California handicap access, energy conservation and sound transmission control requirements for commercial occupancy.
1. Doors, toilets and corridor shall comply with regulations for the disabled.

- N. The applicant shall prepare a final site plan to be approved by the Development Services Department. The plan shall be approved prior to submission of construction drawings for the building Division plan check.
- O. Within forty five days from the effective date of this resolution the applicant/property owner shall submit a complete detailed final landscape plan which reflects the approved landscape plans, with any necessary modifications, as submitted under the Site Plan application. Said plan shall include type, size, location and quantity of all plant material. It shall include irrigation plans and staking and planting specifications. The landscape plan shall comply with the City's Landscaping Ordinance (Municipal Code Section 9.16.140) and is also subject to the following:
1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas on the lot including the rear yard. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The applicant/property owner developer/owner is and shall be responsible for installation and maintenance of all landscaping on the property. Said responsibility shall extend to the sidewalk curb or pavement of adjoining streets.
 3. No trees shall be planted closer than five feet (5') from any public right-of-way. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontage adjacent to driveways shall be of the low height variety to ensure safe site clearance.
 4. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon. The remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets.
 5. Prior to issuance of any permits for the subject site, the construction area shall be secured with a six foot (6') high chain link fence. Access gates(s) are permitted. The fence shall be removed upon completion of the project.
 6. The applicant/property owner is and shall be responsible for installation and maintenance of one tree for every eight parking spaces in accordance with City regulations in the parking lot area under the control of the property owner.
- P. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as County Noise Ordinance as adopted:
1. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).

2. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
- Q. The developer/owner shall enter into a maintenance agreement with the City of Garden Grove to ensure proper maintenance and upkeep of the property.
- R. The building plans for the addition to the building shall expire one year after date of Resolution approval unless the Development Agreement has been recorded and fees paid.
- S. The developer/owner shall enter into a development agreement with the City of Garden Grove to ensure construction of the proposed building addition on the property.
- T. All mitigation measures of the Negative Declaration are incorporated herein by reference and are part of the mitigation monitoring program for this project.
- U. Prior to final building inspection and before a tenant occupies the addition, the applicant/property owner shall repair as needed (including grading), slurry seal, re-stripe and provide wheel stops as shown on the submitted site plan for approximately 140 parking spaces in the parking lot area. The final location of those parking spaces shall be reviewed and approved by the Development Services Director. Furthermore, the applicant/property owner shall landscape and provide lighting of these parking spaces per City standard.
- V. Prior to the issuance of building permits, the location of required refuse storage enclosure(s) shall be approved by the Planning Services Division. The design shall comply with City standard plan B-502 and shall be architecturally integrated into the project.
- W. The owner of Parcel No. 098-585-15 shall sign and record against the title of the property a Land Use Restriction prepared by the Development Services Department, which would regulate the type of activities and uses in the building. The restrictions include, but are not limited to, the following:
 1. The restaurant shall not be used for catering purposes or as a facility for preparing food for sale or distribution at other establishments.
 2. There shall be no doors, windows and other openings connecting the beauty college and the restaurant/office area.
 3. There shall be no "flyer parties", entertainment, dances, banquets, or other similar assembly activities at 10121 Westminster Avenue.
- X. With respect to the existing residential portion of the Planned Unit Development, no patio covers shall be constructed so as connect the dwelling units and the garages, and no patio covers in excess of 100 square feet in size shall be permitted.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 9th day of July, 1996.

ATTEST: /s/ BRUCE A. BROADWATER
MAYOR

/s/ CAROLYN MORRIS, CMC
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

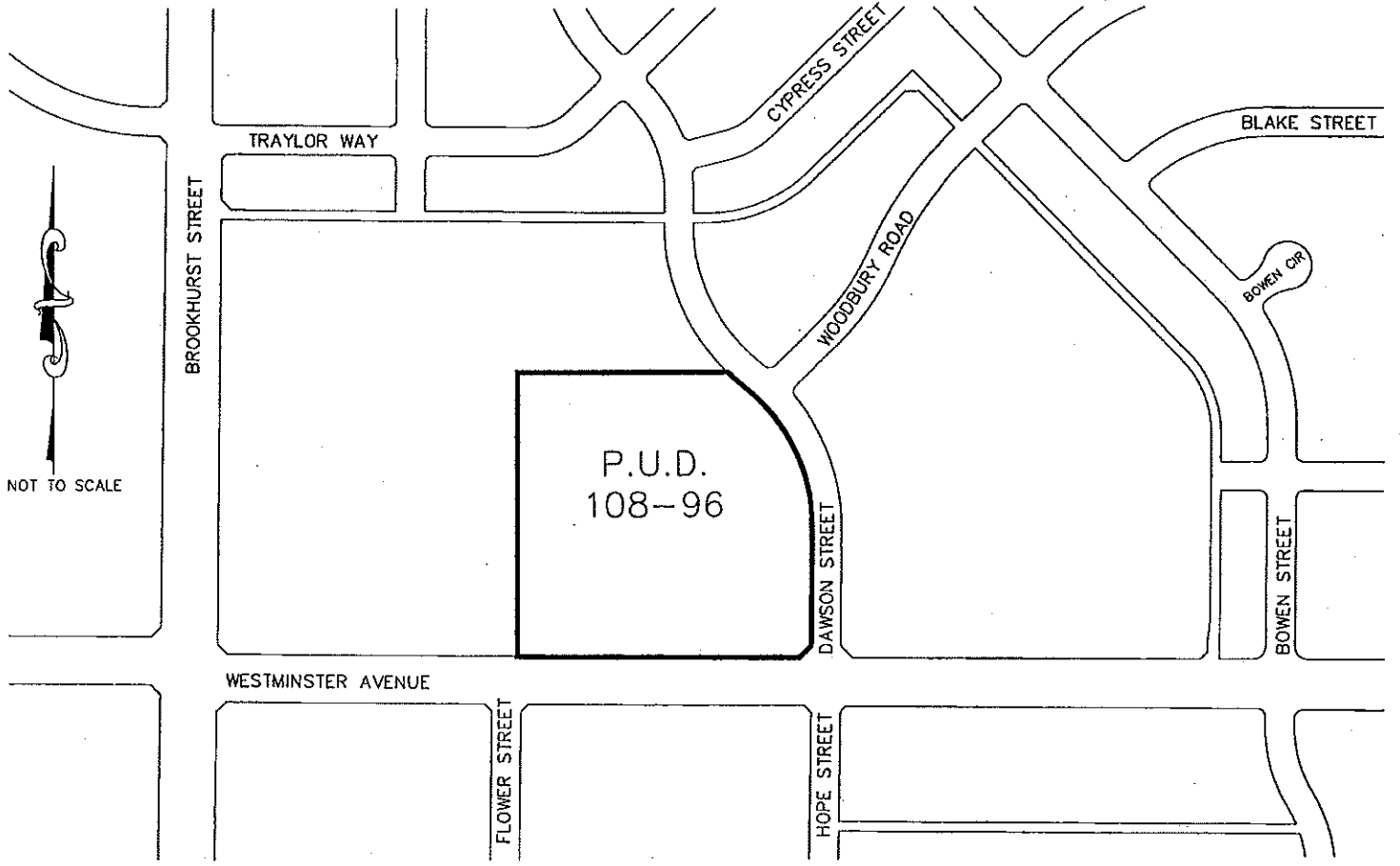
I, CAROLYN MORRIS, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on June 25, 1996 with vote as follows:

AYES: COUNCILMEMBERS: (5) DINSEN, CHUNG, INGEGNERI, LEYES, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

and was passed on July 9, 1996 by the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DINSEN, INGEGNERI, LEYES, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

/s/CAROLYN MORRIS, CMC
CITY CLERK



REZONED FROM PUD-110-72 TO PUD-108-96
ZONE MAP PART D-9