

RESOLUTION NO. 5281

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION, APPROVING SITE PLAN NO. SP-306-02, CONDITIONAL USE PERMIT NO. CUP-594-02 AND RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF BELGRAVE AVENUE, WEST OF VALLEY VIEW STREET AT 5856 BELGRAVE AVENUE, PARCEL NO. 224-243-13.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 2, 2002, hereby adopts a Negative Declaration, approving Site Plan No. SP-306-02, Conditional Use Permit No. CUP-594-02 and recommends approval of a Development Agreement.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-306-02, Conditional Use Permit No. CUP-594-02 and the Development Agreement, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Charles and Joy Turner.
2. The applicant requests Site Plan, Conditional Use Permit and Development Agreement approval to allow the construction and operation of a two-story 12,296 square foot private school on a 40,312 square foot site located in the R-1 (Single Family Residential) zone.
3. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove hereby adopts a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. As evidenced by the Negative Declaration documents, there is no impact on fish and wildlife resources.
4. The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single Family Residential).
5. Existing and proposed 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 May 2, 2002, 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 May 2, 2002; 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 9.24.030 are as follows:

FACTS:

The subject site is approximately 40,312 square feet in size.

The property is located in the R-1 (Single Family Residential) zone.

The site has a General Plan land use designation of Low Density Residential.

The property is improved with a one-story school building.

The existing building is occupied by a private school.

The existing building will be demolished to provide the area for the construction of the new building.

The proposed development is consistent with the other uses in the area.

The developer is authorized to enter into a Development Agreement in compliance with Government Code Section 65864.

FINDINGS AND REASONS:

SITE PLAN:

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

The project complies with the spirit and intent of the provisions, conditions and requirements of the Garden Grove Municipal Code and other applicable ordinances. The construction and operation of a private school facility is consistent with the permitted land uses in the area. With the conditions of approval for this project, the project meets or exceeds the minimum requirements for a project of this size. The construction and operation of the proposed private school would further the goals and policies of the General Plan for this area which includes services for neighborhoods and the larger community.

- 2. The proposed development 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 site provides adequate ingress, egress, and on-site parking for the proposed use. Through the conditions of approval, the project will not adversely affect essential on-site facilities such as traffic circulation and points of vehicular and pedestrian access.

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

The public facilities are in place and adequate to accommodate the proposed development.

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

With the proposed site improvements, the project will be compatible with the physical and functional quality of the neighboring uses. The architectural style is compatible with the architecture of the improvements in the adjoining area. The design will create a positive visual impact for this area.

CONDITIONAL USE PERMIT

1. Provided the recommended conditions of approval are complied with, the use of this property as a private school will be consistent with the General Plan. The proposed use is a conditionally permitted use in the R-1 (Single Family Residential) zone and complies with all applicable code provisions, thus making it consistent with the General Plan.
2. The private school facility will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area 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 within the area.
3. The use will not unreasonably interfere with the use, enjoyment, or valuation of 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. The use will be compatible with the surrounding area.

- E. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting shall be provided throughout all parking and drive areas at the levels prescribed by Title 9. Lighting in the parking areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
- F. The developer shall submit detailed plans showing the proposed location of all new or relocated utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
1. New above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, or any parking areas. All utility equipment shall be screened from view to the satisfaction of the Community Development Department, Planning Division.
 2. 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 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.
 3. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
- G. The following provisions of the Public Work's Engineering Division shall be complied with:
1. Grading plans shall be required. Plans shall be prepared by a registered Civil Engineer.
 2. 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, basements, and septic facilities. Should contaminants be found, the site will require Environmental Clearance that will usually require remediation. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer.

4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval for the use will ensure the public health, safety, and welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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 and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.D. Site Plan and Conditional Use Permit.
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 shall apply to Site Plan No. SP-306-02 and Conditional Use Permit No. CUP-594-02.

CONDITIONS OF APPROVAL:

- A. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits.
- B. 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.
- C. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning regulations or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by, any necessary permits or licenses required to conduct the use in compliance with applicable laws.
- D. Minor modifications shall be approved by the Community Development Department. If other than minor changes are made in the proposed development, a new Site Plan and/or Conditional Use Permit application shall be filed which reflects the revisions made.

3. A separate permit is required for work performed within the public right-of-way.
 4. Bonds shall be posted to secure all work within the public right-of-way and all public improvements.
 5. All trash enclosure(s) shall be shown on the grading plans. Walls shall be solid decorative masonry. The materials, height, and location of the trash enclosures shall be approved by Community Development and Public Works Departments prior to issuance of permits. Trash enclosures shall be developed to City Standard Plan B-502. The location of the trash enclosure shall be situated such that it allows pick-up and maneuvering, including turn around, in the area of the enclosure.
 6. In accordance with the 1972 Clean Water Act and National Pollution Discharge Elimination System (NPDES) requirements, the developer is required to submit a long-term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include provisions for the installation and maintenance of appropriate structural facilities and non-structural Best Management Practices (BMP's). The plan shall be submitted with the first grading plan submittal, and be approved by the Public Works and Community Development Departments prior to the issuance of any permits. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management Plan (DMP) and appendices.
 7. The applicant is responsible for payment of Traffic Mitigation Fees.
- H. The following provisions of the Garden Grove Fire Department and the Uniform Fire Code shall be met:
1. All roadways throughout the project shall be designated fire lanes with a minimum width of 20-feet and vertical clearance of a minimum of 13 feet, 6 inches.
 2. Automatic fire sprinklers shall be provided in all buildings, regardless of fire separation walls, with a gross floor area of 6,000 square feet or more, of 55 feet above grade, or containing three or more stories, or as required by CBC Chapter 9.
 3. Fire sprinkler system(s) and all control valves, including exterior, shall be supervised to an approved central alarm station, prior to Fire Department final inspection.

4. Fire Sprinkler system shall be designed to utilize not more than 90% of the available water supply as indicated by a submittal graph as required by NFPA Standard #13.
 5. Fire lanes shall be posted and marked in accordance with Fire Department specifications and requirements.
 6. Address numbers shall be visible from the street (in contrasting colors).
 7. Fire extinguishers shall be provided, locations and ratings to be determined by the Fire Inspector.
- I. The building plans, site plans and all construction shall comply with the current editions of the U.B.C., U.P.C., U.M.C., and N.E.C. as amended by the City of Garden Grove and State of California handicap access, energy conservation and sound transmission control requirements.
- J. The following provisions of the Garden Grove Public Works' Water Services Division shall be met:
1. New water service installations shall be at owner's/developer's expense. Installation shall be by City forces 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.
 2. New water meters shall be located within the City right-of-way or within dedicated waterline easement. 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 a Public Works inspector.
 3. 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 stainless steel 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 by a certified backflow device tester and the test results shall be submitted to Public Works, Water Services Division.

4. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
 5. 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 a certified backflow device tester and the results shall 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. If new building is sprinklered from any existing fire services, the existing service shall be upgraded to current City of Garden Grove Standard B-773.
 6. Contractor shall abandon existing sewer lateral 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.
 7. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
 8. No permanent structures, parking spaces, trees or deep-rooted plants shall be placed over force sewer main, or within existing force sewer main easement.
 9. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
 10. If needed, owner shall install new sewer lateral with clean out at right-of-way line. Lateral in the public right-of-way shall be 6" minimum diameter extra strength VCP with wedgelock joints.
- K. The developer/property owner shall submit a complete landscape plan governing the entire development. Said plan shall include type, size, location and quantity of all plant material, including enhanced landscaping for the walkway areas. The plan shall include irrigation plans, staking, and planting specifications. The landscape design shall be consistent with Title 9 requirements. The landscape plan is also subject to the following:

1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be low flow/precipitation sprinkler heads for water conservation.
 2. The developer/property owner(s) shall be responsible for installation and maintenance of all landscaping on the property.
 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 frontages adjacent to driveways shall be of the low height variety to ensure safe site clearance.
 4. All aboveground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
 5. A continuous row of evergreen trees shall be planted along the driveway in front of the building. The trees shall be a minimum 48-inch box in size at the time of the planting and shall be maintained for the life of the project. The trees shall be planted close enough that they obscure the view of persons on the second floor of the school building toward the adjoining multiple-family residential project to the east.
 6. The applicant/property owner shall retain and maintain the row of eucalyptus trees along the south property line.
- L. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.
- M. A sign program shall be submitted to, and approved by, the Community Development Department prior to the issuance of any permits. The sign program shall be consistent the provisions of Title 9.
1. All signs require permits; shall be installed in accordance with the provisions of the sign ordinance; and shall be approved by the Community Development Department, Planning Division prior to installation.
- N. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:

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.
- O. The developer/property owner shall enter into a binding Development Agreement with the City of Garden Grove. This includes the payment of a Development Impact Mitigation Payment in accordance with City Council Resolution.
- P. During construction the developer shall comply with the following measures to contain fugitive dust as required by the General Plan EIR:
1. Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures, such as: daily watering of soils; application of non-toxic soils stabilizers; replacement of ground cover in disturbed areas as soon as possible; suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour; and maintenance of a minimum two feet of freeboard on all trucks hauling dirt, sand, soil or other loose material.
 2. Sweeping of streets near construction area.
 3. Rinsing of wheels on construction vehicles prior to leaving construction area.
 4. Paving of all construction access roads at least 100 feet onto the site from the main access points.
 5. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
 6. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
 7. 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 CEQA.
- Q. Students shall not be permitted in the play area before 8 a.m. or after 6 pm Monday through Friday. No outdoor weekend activities of any kind shall be permitted.

- R. All activities conducted on-site after normal school hours shall be conducted within a wholly enclosed building.
- S. The school and extended care hours shall not begin before 7 a.m., and shall be concluded by 6 p.m.
- T. There shall be no more than 210 students enrolled in the school at any time.
- U. A decorative wrought-iron fence (similar to the existing fence surrounding the church) shall be constructed on the north property line of the project site. The fence shall be the same height as the existing church fence.
- V. The applicant shall be required to obtain an easement for the firefighting equipment on either of the adjoining properties. The easement shall be recorded on the title of the property prior to the issuance of any permits for the project.
- W. In the event that the traffic patterns for the school change and/or traffic becomes a problem as determined by the City's Traffic Engineer, the applicant shall submit and implement a traffic mitigation plan to be reviewed and approved by the City Traffic Engineer.
- X. The sewer easement for the four-inch sewer line, which runs north and south across the property, must be relocated prior to the issuance of building permits.
- Y. Parking for teachers and staff shall be designated in the area immediately west of the playground. This area shall have marked spaces and a sign indicating staff parking only.

ADOPTED this 2nd day of May 2002.

/s/ LEE BUTTERFIELD
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on May 2, 2002, by the following votes:

AYES: COMMISSIONERS: BUTTERFIELD, CALLAHAN, FREZE, JONES, NGUYEN
NOES: COMMISSIONERS: HUTCHINSON
ABSENT: COMMISSIONERS: BARRY

/s/ TERESA POMEROY
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is May 23, 2002.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: c.1.	SITE LOCATION: south side of Belgrave Ave, west of Valley View St. @ 5856 Belgrave Avenue
HEARING DATE: May 2, 2002	GENERAL PLAN: Low Density Residential
CASE NOS.: Site Plan No. SP-306-02, Conditional Use Permit No. CUP-594-02, and a Development Agreement	ZONE: R-1 (Single Family Residential)
APPLICANT: Charles and Joy Turner	
PROPERTY OWNER: Same	CEQA DETERMINATION: Negative Declaration

REQUEST:

The applicant is requesting Site Plan and Conditional Use Permit approval to construct and operate a 12,296 square foot, two-story private school (Montessori Greenhouse School) for up to 210 children.

PROJECT STATISTICS:

PROJECT CRITERIA	ACTUAL	MEETS CODE	DOES NOT MEET CODE	VARIANCE REQUESTED	CONDITION OF APPROVAL
LOT SIZE	~ 40,312 S.f.	X			
BUILDING SIZE Proposed:	12,296 s.f.	X			
SETBACKS (N,S,E,W,)	8', 50'-2", 36', 158'-1"	X			
PARKING					
Standard:	31				
Compact:	17				
Handicap:	3	X			
Total	51				
BUILDING HEIGHT	27'-4"	X			

BACKGROUND:

The site is a flag lot, which was created in the early 1960s. The original building was constructed in 1965. Private schools have operated at this location since at least 1974. The subject property is located behind a large corner lot developed with a church and parking lot. The other adjacent properties are a condominium project on the east; a flood control channel on the south, and single family homes on the west. The site is currently improved with a one-story, 3,512 square foot private school. To construct the proposed two-story school building, the existing school building would be removed.

There are a number of easements that encumber this property. The adjoining condominium project has been granted vehicular access across this property. This same condominium development also has an easement for a building encroachment of two feet upon the subject property. The Sanitary District has a 10-foot wide easement on the southern portion of the property and has a pump station in the middle of the property. Finally, a private sewer easement runs north and south across the property.

DISCUSSION:

The applicant is proposing to construct a new two-story, 12,296 square foot private school building. The applicant is also requesting approval of a Conditional Use Permit to operate the proposed private school with up to 210 children. The proposed rectangular building is to be located adjacent to the north property line.

Vehicular access to the site is provided from an existing 20-foot wide drive aisle along the east side of the property from Belgrave Avenue. This is a shared access for the school and the adjacent condominium building. Access is also provided through a two-way, 20-foot wide public alley along the west side of the property. This alley dead-ends at the flood control channel. The neighboring single-family homes have rear property lines along the alley and are sited to front on St. Mark Street. These homes take their primary access from St. Mark Street.

There are 51 parking spaces provided for the teachers, the staff and the parents. 51 spaces is the number required under Title 9 for an elementary school of this proposed capacity. Title 9 requires one parking space for each 6 children and one space for each employee. The applicant proposes a maximum of 210 children with a requirement of 35 spaces and a maximum of 16 staff with a requirement of 16 spaces, for a total of 51 required spaces. The staff will utilize the parking spaces to the west of the playground, accessed from the alley. With staff parked in a separate area, the main drive aisle and parking area will be available for parents dropping-off and picking-up their children.

Building Design:

The building design is quite simple and symmetrical. The structure is two-stories in height and has an overhanging balcony on three sides. There are large rectangular windows in each of the classrooms. The main point of architectural interest is a large decorative cornice along the top of the building. The building is painted an ivory color with honeysuckle accents.

Issues/Concerns:

As mentioned previously, there are a number of easements, which encumber the site. Due to the lot configuration and the number of easements, it is very difficult to design a new project for this site. One concern is vehicular access and traffic. Another issue is a Fire Department concern about the location of the firefighting equipment. There is an issue about the privacy of the adjoining property owners, especially the condominium complex to the east. The final issue is the relocation of a private sewer easement that runs north and south across the property.

Traffic:

With this proposed development, the school would double the number of students at this facility. As this is a private school, the children that attend will come from a wider area than the surrounding neighborhood. Because both entrances to the property are narrower than the required standard driveway and are shared access points with adjacent properties, traffic must be carefully considered.

The Montessori Greenhouse School provides care and education for children that are aged infant through sixth grade. Half of the anticipated enrollment will be in the preschool age group, infant to six years. The hours for preschoolers varies with some students there for half-day, 9:00 a.m. to noon, and others there for full day, 9:00 a.m. to 3:00 p.m. The other half of the enrollment will be elementary children in grades 1 through 6 with program hours between 8:30 a.m. and 3:00 p.m. In these program hours, there is a staggering of arrival times and some difference in departure times for preschoolers. Parents of the preschoolers must park and walk their children into the building for sign-in, while parents of elementary children may opt to have the children sign-in themselves.

Many parents take advantage of the extended care program offered by the school. Half of the preschool children and two-thirds of the elementary children use the extended care program and stay at the school extended hours. Therefore, although the school programs have arrival between 8:30 a.m. and 9:00 a.m. and departure between 3:00 p.m. and 3:30 p.m., fewer than half of the students actually arrive and depart at these times.

With various program hours and levels of care, the school operates with staggered drop-off and pick-up times for children. In this way, the traffic generated at specific times is lessened. Also, with the flag-lot configuration, any vehicle stacking that occurs will be on-

site. Therefore, traffic will not be a problem. A condition of approval has been included that in the event that traffic patterns for the school change and traffic becomes a problem, the applicant will be required to submit a traffic mitigation plan to be reviewed and approved by the City Traffic Engineer.

Firefighting:

The second issue arises from the flag-lot configuration of the property and the potential locations for the firefighting equipment. With the limited frontage along Belgrave Avenue and the location of building adjacent to the driveway, there is not an appropriate on-site location for the firefighting apparatus. The applicant will be required to obtain an easement for this equipment on either of the adjoining properties. The easement will be required to be recorded on the title of the property prior to the issuance of any permits for the project.

Privacy:

The third issue is the privacy of the residents in the adjoining condominium complex. The exterior stairway of the proposed building is 36 feet from the existing two-story condominium complex. The second story windows and the balcony on the east elevation of the school look directly into the windows of the condominium development. To maintain the privacy of the residents of the second floor of the condominium project, a condition has been included requiring that the applicant plant a series of evergreen trees along the front of the building. These trees shall be a minimum of 48-inch box trees at the time they are planted. The trees shall be maintained for the life of the project so that they obscure visibility between the school building and the condominiums.

Sewer Easement:

There is currently an easement for a four-inch sewer line that runs north and south across the property. The easement is currently located under the proposed building. In order for the building to be constructed in its proposed location, the easement, and the sewer line, must be relocated.

Development Agreement:

As required by the Garden Grove Municipal Code, and included as a condition of approval on the project, the developer is required to enter into a Development Agreement with the City. For the construction of the project, the applicant will be required to pay an impact fee not to exceed \$10,250. The applicant/property owner will have up to four years to construct the proposed project subject to the terms of the Agreement.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt the Negative Declaration;

- Approve Site Plan No. SP-306-02 and Conditional Use Permit No. CUP-594-02, subject to the conditions of approval; and
- Recommend approval of the Development Agreement to the City Council.

GLEN KRIEGER *EW for GK*
Planning Services Manager

Paul Wernquist
By: Paul Wernquist
Urban Planner

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