

#### AGENDA

#### GARDEN GROVE PLANNING COMMISSION

#### REGULAR MEETING

#### SEPTEMBER 6, 2018

#### COMMUNITY MEETING CENTER 11300 STANFORD AVENUE

#### REGULAR SESSION - 7:00 P.M. - COUNCIL CHAMBER

ROLL CALL: CHAIR BRIETIGAM, VICE CHAIR TRUONG
COMMISSIONERS KANZLER, LAZENBY, LEHMAN, NGUYEN, SALAZAR

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: July 19, 2018
- C. <u>PUBLIC HEARING(S)</u> (Authorization for the Chair to execute Resolution shall be included in the motion.)
  - C.1. <u>AMENDMENT NO. A-022-2018</u>

APPLICANT: CITY OF GARDEN GROVE

LOCATION: PORTIONS OF RIGHT-OF-WAY LOCATED WITHIN THE

HISTORICAL MAIN STREET AREA, NORTH OF GARDEN

GROVE BOULEVARD, SOUTH OF ACACIA PARKWAY

REQUEST: City-initiated zoning text amendment to Title 9 of the Garden Grove Municipal Code to add new definitions, operating conditions, and development standards to outdoor dining in the public right-of-way within the Historical Main Street area that involve eating establishments with or without alcohol sales for on-site consumption for properties that are zoned CC-2 (Civic Center Main Street). The Planning Commission will make a recommendation to the Garden Grove City Council regarding the proposed Amendment and a determination that it is exempt from the California Environmental Quality Act. The site is in the CC-2 (Civic Center Main Street) zone. This project is exempt pursuant to CEQA Section 15061(b)(3) – Review for Construction.

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-022-2018 to City Council.

#### C.2. CONDITIONAL USE PERMIT NO. CUP-139-2018

APPLICANT: SPRINT (J. JOHNSON)

LOCATION: SIX (6) EXISTING STREET LIGHTS OWNED BY SOUTHERN CALIFORNIA EDISON, ALL IN THE PUBLIC RIGHT-OF-WAY

REQUEST: Conditional Use Permit approval to allow for the installation and operation of six (6) Citywide small wireless telecommunication facilities disguised as street light poles, along with related below-grade or internally concealed meter, attached equipment, and site improvements. The existing street lights in the City's public right-of-way are owned by Southern California Edison. The street lights will be removed and replaced with the new street light poles, all poles would include small wireless telecommunication facilities. This project is exempt pursuant to CEQA Section

15301 - Existing Facilities.

STAFF RECOMMENDATION: Approve Conditional Use Permit No. CUP-139-2018, subject to the recommended conditions of approval.

#### D. MATTERS FROM COMMISSIONERS

- E. <u>MATTERS FROM STAFF</u>
  - E.1. BUILDING PROJECTS UPDATE
- F. ADJOURNMENT

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

Meeting Minutes Thursday, July 19, 2018

CALL TO ORDER: 7:01 p.m.

#### **ROLL CALL:**

Chair Brietigam
Vice Chair Truong
Commissioner Kanzler
Commissioner Lazenby
Commissioner Lehman
Commissioner Nguyen
Commissioner Salazar

Absent: Lehman, Salazar

PLEDGE OF ALLEGIANCE: Led by Commissioner Nguyen.

<u>ORAL COMMUNICATIONS - PUBLIC</u> - None.

#### June 21, 2018 MINUTES:

Action: Received and filed.

Motion: Truong Second: Lazenby

Ayes: (5) Brietigam, Kanzler, Lazenby, Nguyen, Truong

Noes: (0) None

Absent: (2) Lehman, Salazar

PUBLIC HEARING - CONDITIONAL USE PERMIT NO. CUP-129-2018. FOR PROPERTY LOCATED AT 12821 KNOTT STREET, NORTHWEST CORNER OF KNOTT STREET AND ACACIA AVENUE.

Applicant: GRANT BRUTTEN

Date: July 19, 2018

Request: Conditional Use Permit approval to demolish an existing fifty-foot

(50'-0") tall pole sign, and to construct a new fifty-nine foot (59'-0") tall, V-shaped, freeway-oriented electronic reader board sign (for onpremise advertisements), adjacent to and facing the Garden Grove SR-22 Freeway, for an existing indoor sports facility, Next Level Sports Complex. The site is in the PUD-104-70 (Planned Unit Development)

zone. This project is exempt pursuant to CEQA Section 15311 -Accessory Structures.

Action: Public Hearing held. Speaker(s): Grant Brutten, Jason

Brennan

Action: Resolution No. 5925-18 was approved with an amendment

to add a condition: The applicant shall work with the Planning Division to determine visibility of the sign from the properties to the west of the site (e.g., flag test, photosimulated post construction renderings) and to mitigate adverse visual impacts through appropriate screening, as necessary, and as determined in the discretion of the Community and Economic Development Director, prior to

electrifying the sign and building permit final.

Motion: Lazenby Second: Kanzler

Ayes: (5) Brietigam, Kanzler, Lazenby, Nguyen, Truong

Noes: (0)None

Absent: (2) Lehman, Salazar

At 7:32 p.m., Commissioner Kanzler recused himself from the remainder of the meeting due to an urgent family matter. The Chair called a five minute recess. The meeting reconvened at 7:38 p.m.

PUBLIC HEARING - SITE PLAN NO. SP-258-99 (REV. 2018). FOR PROPERTY LOCATED AT 13280 CHAPMAN AVENUE, SOUTH SIDE OF CHAPMAN AVENUE, WEST OF LEWIS STREET.

Applicant: MICHAEL WESNER, DIRECTOR OF CEMETERIES

Date: July 19, 2018

Request:

To modify the approved plans, under Site Plan No. SP-258-99, to complete the Memorial Gardens expansion, located at 13280 Chapman Avenue (APN: 231-022-03), within the allowances of the previously approved cemetery area. The project will include additional interment area and the construction of three (3) new buildings consisting of an administrative office, a cremation niche building, and a maintenance building. Also, a request to modify the Conditions of Approval, under SP-258-99, to modify the maximum building height requirement to facilitate the construction of the proposed three (3) new buildings. The site is in the PUD-133-99 (Planned Unit Development) zone. This project is exempt pursuant to CEQA Section 15303(c) - New Construction or Conversion of Small Structures.

Action: Public Hearing held. Speaker(s): Michael Wesner Action: Resolution No. 5926-18 was approved.

Motion: Truong Second: Lazenby

Ayes: (4) Brietigam, Lazenby, Nguyen, Truong

Noes: (0) None

Absent: (3) Kanzler, Lehman, Salazar

PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM, SITE PLAN NO. SP-054-2018 AND LOT LINE ADJUSTMENT NO. LLA-015-2018. FOR PROPERTY LOCATED AT 7351 AND 7421 ORANGEWOOD AVENUE, NORTHWEST CORNER OF ORANGEWOOD AVENUE AND WESTERN AVENUE.

Applicant: HOUSE FOODS HOLDING USA, INC., CORPORATION

Date: July 19, 2018

Request: Site Plan approval to construct a 36,763 square foot single-story

addition between two existing industrial buildings to expand an existing food manufacturing business, in conjunction with a request for Lot Line Adjustment approval to consolidate a 5.2-acre property, with an adjacent 5-acre property, the current location of House Foods, for a combined acreage of approximately 10.3 acres. Each property is currently developed with two-story industrial buildings, 81,613 square feet and 125,040 square feet, respectively. The site is in the PUD-103-

76 (Planned Unit Development) zone.

The Planning Commission will also consider adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

Action: Public Hearing held. Speaker(s): Kevin Kim, Ken Komaya

Staff distributed copies of the Response to Comments for the Draft Initial Study/Mitigated Negative Declaration and a modification to Condition No. 29 to correct street names.

Action: Resolution No. 5927-18 was approved with the amendment

to the Conditions of Approval.

Motion: Truong Second: Lazenby

Ayes: (4) Brietigam, Lazenby, Nguyen, Truong

Noes: (0) None

Absent: (3) Kanzler, Lehman, Salazar

PUBLIC HEARING - CONDITIONAL USE PERMIT NO. CUP-135-2018. FOR EXISTING STREET LIGHTS AND WOOD UTILITY POLES OWNED BY SOUTHERN CALIFORNIA EDISON, ALL IN THE PUBLIC RIGHT-OF-WAY.

Applicant: AT & T MOBILITY, LLC.

Date: July 19, 2018

Request: Conditional Use Permit approval to allow the installation of nine (9)

Citywide small wireless telecommunication facilities disguised as street light poles, attached to utility poles, and installed as a new streetlight pole, along with related below–grade or internally concealed meters, attached equipment, and site improvements. The existing street lights and utility poles in the City's public right-of-way are owned by Southern California Edison. The street lights will be removed and replaced with the new street light poles, the wood utility poles will remain, and one (1) new street light will be installed. All would include small wireless telecommunication facilities. This project is exempt pursuant to CEQA Sections 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures.

Action: Public Hearing held. Speaker(s): Frank Ortega, Joshua

Alba

One email of concern was received regarding the proposed node on Lampson Avenue and Jetty Street. The resident's concerns were lessened when he understood the distance

between his home and the pole.

Action: Resolution No. 5928-18 was approved with an amendment

to Condition No. 34, third bullet point: The paragraph would be revised to reflect that the new light pole would

have 'no luminaire'.

Motion: Lazenby Second: Nguyen

Ayes: (4) Brietigam, Lazenby, Nguyen, Truong

Noes: (0) None

Absent: (3) Kanzler, Lehman, Salazar

<u>MATTERS FROM COMMISSIONERS:</u> Commissioner Lazenby mentioned that the 'stop ahead' sign at the corner of Bowen and Lake Streets, was upside down due to a loose top bolt. Staff would take care of the matter.

Chair Brietigam commented that with revenue increases in the near future, he hoped to see an increase of sworn Police staff to 200 by the year 2020, along with five additional firefighters.

<u>MATTERS FROM STAFF:</u> Staff stated that the August  $2^{nd}$  Planning Commission meeting would be cancelled with the August  $16^{th}$  meeting still scheduled.

Chair Brietigam asked for an update on the China Buffet property on Valley View Street. Staff responded that minor plan details were being worked out.

Commissioner Lazenby asked for an update on the former Galleria property. Staff replied that the project was moving forward as the steel had been tested and the joints will be tested next.

Commissioner Lazenby mentioned the Grand Opening of the Brookhurst Triangle Phase I. Staff then mentioned that CUP-120-2018 appeal would be back to City Council on July 24<sup>th</sup> with a resolution of approval and that the project on 9<sup>th</sup> Street had been approved.

<u>ADJOURNMENT:</u> At 8:22 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, August 2, 2018, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion:	Lazen	by	Second:	Truong
Ayes:	(4)	Brietigam, Lazenby		
Noes:	(0)	None		
Absent:	(3)	Kanzler, Lehman, S		

Judith Moore Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	<b>SITE LOCATION:</b> Portions of public right-of-way located within the Historical Main Street area, north of Garden Grove Boulevard, south of Acacia Parkway.	
<b>HEARING DATE:</b> September 6, 2018	<b>GENERAL PLAN:</b> Civic Center Mixed Use	
CASE NO.: Amendment No. A-022-2018	<b>ZONE:</b> CC-2 (Civic Center Main Street)	
APPLICANT: City of Garden Grove	APN: N/A	
OWNER: N/A	CEQA DETERMINATION: Exempt	

#### **REQUEST:**

A request that the Planning Commission recommend City Council approval of a City-initiated text amendment to Title 9 of the Garden Grove Municipal Code to provide for a process to permit eating establishments on Historic Main Street, within the CC-2 (Civic Center Main Street) zone, to establish outdoor dining areas in the public right-of-way.

### **BACKGROUND:**

What would become today's Main Street, established in 1874-75, started as a block of wooden structures along an unpaved dirt road until the Pacific Electric railroad arrived in 1905. The majority of the structures were destroyed during the 1933 Long Beach earthquake, however, the Euclid Improvement Association rebuilt the area by replacing the damaged structures with sturdier wood-and-stucco Spanish mission style buildings, and by widening the street.

The City of Garden Grove has considered Main Street to be of "historic" importance for many years. The City of Garden Grove, Office of Redevelopment, prepared specific standards in 1979 named "Architectural and Design Criteria for the Main Street Historical-Retail Combining Zone." As a result, in the mid-Eighties, the City made improvements that included a brick-stamped concrete roadway, the elimination of the angled parking, and the installation of benches, trash cans, and shade trees, in an effort to revive a declining Main Street.

Over the years, changes have been made to the zoning of Main Street to diversify the allowed uses in an effort to reduce the number of vacant tenant spaces. In 1983, the City Council adopted two (2) Ordinances: the first created the Main Street Historical-Retail Combining zone; and the second, rezoned the properties on Main Street to the Community Center-Commercial (Historical-Retail) zone. In 1988, the City Council approved Code Amendment No. A-135-87 to expand the types of uses in the H-R (Main

Street Historical-Retail Combining) zone. The amendment added business and professional office uses, which were generally only allowed in the O-P (Office Professional) zone, to the list of already-permitted commercial retail uses. More recently in 2007, the City Council approved Code Amendment No. A-133-07 allowing residential units above existing commercial uses in the Main Street Retail Overlay Zone (H-R).

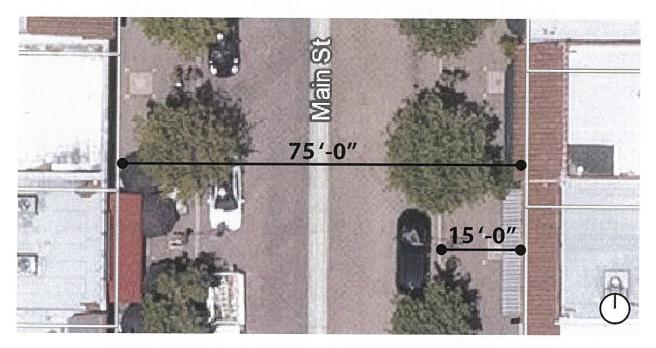
The General Plan, adopted in 2008, called the 130-acre Civic Center the "Heart of the City" stating that people should be drawn to the Civic Center to become engaged in the community and to experience the place itself. The Civic Center is a prime "Focus Area" with a mixed-use Land Use designation, Civic Center Mixed Use, which promotes civic, commercial, open space, and residential uses in a human scale environment with pedestrian-friendly streets and paths that connect public gathering spaces. Later in 2012, the City adopted the Civic Center Mixed Use zones 1, 2, and 3 to implement the General Plan Land Use designation of Civic Center Mixed Use. The properties along Main Street were zoned CC-2 (Civic Center Main Street), which was established to "preserve and enhance buildings and structures of historic and cultural significance, and incidental uses that advance and preserve the Main Street character and charm."

Recently, the City has received numerous requests from eating establishment owners within the Historic Main Street area for outdoor dining in the public right-of-way between Garden Grove Boulevard and Acacia Parkway (shown in aerial below). Historically, the public right-of-way has been an area designated for pedestrian and vehicular travel, however, City events, such as the Garden Grove Farmer's Market and Car Show, have been held periodically within Main Street.



Aerial of Historical Main Street area between Acacia Parkway and Garden Grove Boulevard

Parallel parking exists on the east and west sides of Main Street, however, there is no curb separating the walkway from the street parking area. The existing width of the public right-of-way along Main Street is 75 feet, with a 15-foot walkway between the front property line of each storefront and the edge of the parallel parking limit (shown in aerial below). Therefore, it is proposed that outdoor dining areas in the public right-of-way be only allowed within the 15-foot area directly in front of the eating establishment to allow vehicular travel to remain as is.



Partial aerial of public right-of-way along Main Street

Currently, eating establishment/restaurant uses within the Historic Main Street area, which are a permitted use in the CC-2 zone, are not permitted to have outdoor dining that encroaches into the public right-of-way. However, the City recognizes that visitors and individual businesses within the Historic Main Street area may benefit from outdoor dining in the public right-of-way. Outdoor dining in the public right-of-way may invigorate the street, while offering restaurants an opportunity for additional seating. The City's General Plan encourages outdoor dining in the Civic Center to encourage a pedestrian friendly area that contributes to the walkability appeal of Downtown, encourages opportunities for social interaction, and contributes to Downtown's identity and streetscape, as well as to "preserve the Main Street character and charm." Moreover, outdoor dining in the public right-of-way may be a unifying element throughout the Downtown that will encourage new businesses to open in the Historic Main Street area. As a result, the City is proposing a zoning text amendment that will establish design standards and guidelines to ensure that outdoor dining areas in the public right-of-way are of high quality design to contribute to the creation of a functional and aesthetically pleasing streetscape that suits the historic character of Main Street.

There are a total of thirty-six (36) separate properties along Main Street that are zoned CC-2, of which eight (8) are eating establishments that provide meal service,

such as full-service or dine-in restaurants, take-out restaurants, or specialty food restaurants, that include dessert and coffee houses. Of the eight (8) eating establishments, three (3) have active Conditional Use Permit (CUP) approvals for the sales and service of alcoholic beverages within their establishment: Azteca Restaurant & Lounge, Louie's on Main, and The Wharf. The four (4) existing eating establishments along Main Street without alcohol sales are: Kaye's Kitchen, E Patisserie & Café, 102 Café, and Barcode. The last eating establishment, former Doug's Downtown Grill, is currently vacant. Eating establishments without the sale of alcohol are permitted by right in the CC-2 zone, while eating establishments serving alcohol require CUP approval. The proposed amendment will apply to current and/or future eating establishments that provide meal service. Uses aside from eating establishments in the CC-2 zone will continue to be precluded from having outdoor seating in the public right-of-way and are not affected by the proposed amendment.

Planning Staff presented to the Downtown Commission (prior known as the Main Street Commission) on November 9, 2017, with the proposed requirements of the Public Works Department, the Police Department, the Community and Economic Development Department, the State of California Alcoholic Beverage Control Department (ABC), and the Americans with Disabilities Act (ADA) for outdoor dining in the public right-of-way within the Historic Main Street area. Planning Staff presented illustrations of potential layouts for outdoor dining in the public right-of-way that meet the intent of the proposed amendment. The Downtown Commission is in support of the proposed Code Amendment and has recommended its approval.

#### **DISCUSSION:**

The following discussion summarizes the proposed amendments to the Municipal Code to establish development standards and regulations to permit outdoor dining in the public right-of-way on Historic Main Street, while minimizing associated impacts. These proposed new standards and regulations are intended to improve the current character of the Garden Grove Historic Main Street area, which has changed significantly since its establishment in 1874-75.

Staff is proposing amendments to both Title 9 (the Land Use Code) and Title 11 (relating to encroachment permits for use of the public right-of-way).

The proposed amendments to Title 11 would establish specific provisions for issuance of encroachment permits to adjacent eating establishments to establish and maintain an outdoor dining area that encroaches in the public right-of-way. Encroachment permits are temporary revocable licenses issued by the City's Public Works Department authorizing someone to temporarily use or work in the right-of-way. Encroachment permits are issued by the City in its capacity as owner of the public right-of-way and generally address traffic and pedestrian safety, protection and restoration of public facilities and improvements, insurance, and similar matters. The Planning Commission's jurisdiction is limited to land use matters, and the Planning Commission is not being asked to make a recommendation to the City Council regarding the proposed Title 11 amendments pertaining to encroachment permits;

however, the proposed Title 11 amendments are being presented to the Planning Commission in order to provide context and to inform its decision regarding the proposed Land Use Code amendments.

The proposed Land Use Code (Title 9) amendments would establish a process for eating establishments fronting Historic Main Street to obtain a Main Street Outdoor Dining Permit authorizing them to maintain and use an outdoor dining area in the public right-of-way that is incidental and accessory to the eating establishment use and would address design standards, aesthetic concerns, and operational requirements for these outdoor dining areas. The proposed amendment will add new definitions, design requirements, and operational standards to outdoor dining in the public right-of-way within the Historic Main Street area, which will apply only to eating establishments with, or without, alcohol sales or consumption within properties that front Main Street, where the outdoor dining area is along Main Street, and are zoned CC-2. The amendment will include design guidelines and specific operational requirements by various City and State departments, such as the Public Works Department, the Police Department, the Community and Economic Development Department, the Building and Safety Division, and the State of California Alcohol Beverage Control Department (ABC).

# Application Requirements and Review Process:

The review and approval procedures for a Main Street Outdoor Dining Permit will vary based on the applicant's request, any existing approvals for the associated eating establishment, and whether the applicant is requesting, or has already obtained, Conditional Use Permit (CUP) approval for the sales and consumption of alcohol for the eating establishment.

Pursuant to the proposed amendments, eating establishments that are requesting outdoor dining in the public right-of-way, but which are not requesting to sell and serve alcohol to patrons, can obtain approval from the Director of the Community and Economic Development Department. A public hearing is not required for a Director's approval, however, property owners on Main Street will be notified of the request and have the opportunity to provide written comments. If objections are received, the Director may elevate the review to the Zoning Administrator or Planning Commission pursuant to the public hearing process. Decisions of the Director may be appealed to the Planning Commission, in which case a public hearing would be held.

If an eating establishment proposes to serve alcohol within the outdoor dining area, it must obtain a new or amended Conditional Use Permit pursuant to the provisions of Municipal Code Section 9.18.060, and the Main Street Outdoor Dining Permit application would be processed and considered in conjunction with the Conditional Use Permit.

Proposed findings that must be made by the Director or City hearing body to approve a Main Street Outdoor Dining Permit include the following:

- The proposed outdoor dining area in the public right-of-way is consistent with the City's General Plan, all applicable development standards and Building Code requirements, and all other applicable Title 9 provisions;
- The proposed outdoor dining area in the public right-of-way will be complimentary to, and not inconsistent with, the underlying dedication for public right-of-way or the City's title or estate in the underlying public rightof-way;
- The applicant has demonstrated a satisfactory ability and willingness to comply with the Garden Grove Municipal Code and pertinent conditions to previously issued permits, licenses, and City land use approvals with respect to operation of the adjacent eating establishment;
- The proposed outdoor dining activity will not be materially detrimental to the public health, safety or general welfare and will not injure or unreasonably interfere with the property or improvements of other persons located in the vicinity of the proposed outdoor dining area; and
- The City Engineer is prepared to issue an encroachment permit to the applicant for the establishment and maintenance of an outdoor dining area in the public right-of-way pursuant to Title 11.

Along with the application, the applicant will be required to submit written authorization from the property owner, evidence that the business is in compliance with previous approvals, and plans that show in detail the location, dimensions, and seating arrangement of the proposed outdoor dining area. Upon approval, the applicant will be required to obtain an encroachment permit from the Public Works Department and provide evidence of liability insurance and workers compensation valid for the duration of the permit year, per the proposed amendments to Title 11.

#### **Design Requirements:**

The proposed amendment will establish design standards for outdoor dining areas in the public right-of-way within the Historic Main Street area, to be added to Municipal Code Section 9.18.090.050, Additional Regulations Specific to the CC-2 Zone. Establishing design standards will encourage outdoor dining areas to be architecturally and aesthetically compatible with the historic character of Main Street, as well as ensure that the outdoor dining area be designed to meet applicable Building Codes, ABC requirements, and comply with the ADA.

The proposed amendment will require outdoor dining areas to only be permitted in areas where a minimum four-foot wide sidewalk can be maintained for pedestrian path of travel, as required by the ADA, and in areas where the outdoor dining does not interfere with visibility, vehicular or pedestrian mobility. In addition, the proposed amendment will require outdoor dining areas to be located directly in front of the associated tenant space fronting Main Street, without extending across adjacent tenant spaces.

ABC requires a firmly anchored fabricated barrier around the outdoor dining area if alcohol is being served. If the sale of alcohol is not being proposed, a barrier is optional, but should comply with the guidelines established by the amendment, including the ADA and aesthetic requirements for the Historic Main Street area. The design of the fabricated barrier is to be consistent with the aesthetic and architectural character of the Historic Main Street area (see example in the image below), and must be wrought iron or a material approved by the Community and Economic Development Department. The proposed amendment will prohibit the following materials: fabric or canvas inserts, chain link fencing, plastic, vinyl, chicken wire, and cyclone fencing, which is not consistent with the historic character of Main Street. To prevent injuries incurred by the barrier, the amendment will prohibit fencing with spears, spikes, and/or finials.



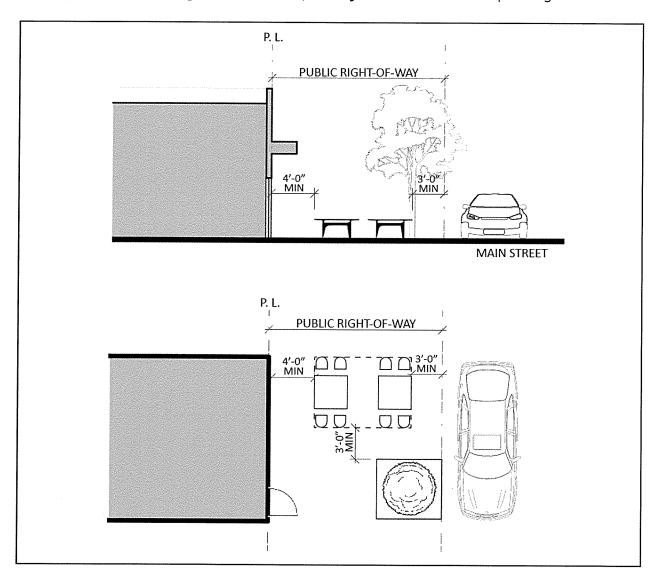
Example of a fabricated wrought iron barrier

Barriers, if provided, must be firmly anchored to the ground at a maximum height of 3'-6'', to meet the requirements of the ABC and the Garden Grove Police Department.

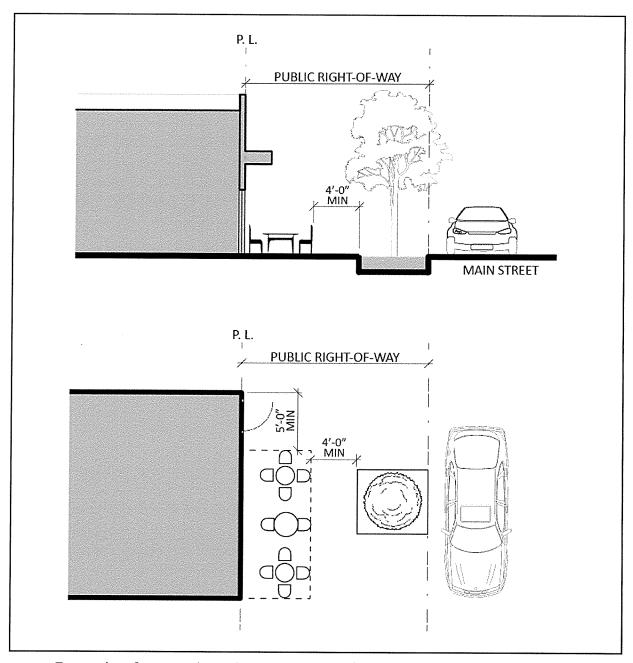
To maintain compliance with the ADA and Building Code requirements, a three-foot clearance around dining furniture that does not encroach into the required four-foot walkway will generally be required, as well. However, in no case shall trees or planters be removed or relocated to meet the required clearance. The amount of seating that will be permitted in an outdoor dining area will depend on the location

of any trees, benches or lamp posts in the right-of-way and will be subject to applicable Building Code occupancy limits.

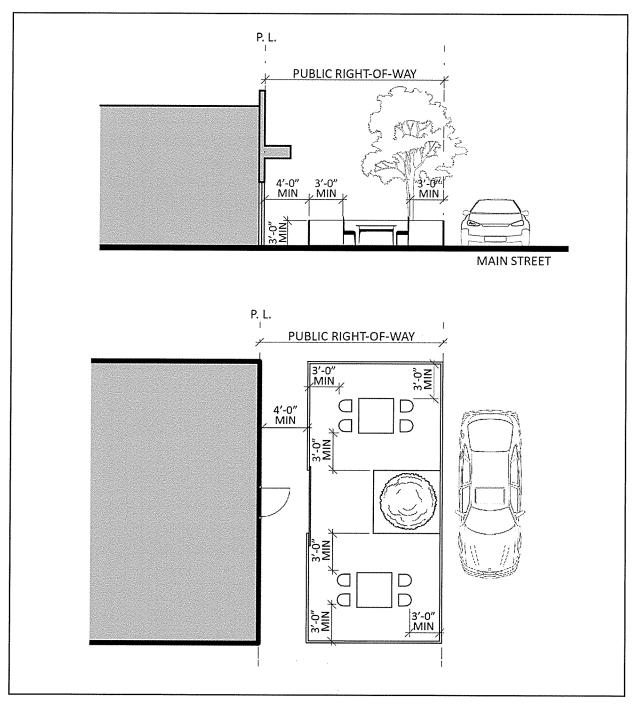
The following diagrams offer possible arrangement of tables and seating for outdoor dining in the public right-of-way given the existing conditions along Main Street. The diagrams illustrate clearances required, barrier placement, and location of seating in relation to existing tree wells, building storefront, and street parking. Nevertheless, the design of the dining area is to comply with the standards of the ADA, which requires that a minimum four-foot walkway be maintained at all times, whether the seating is located along the storefront, or adjacent to the street parking area.



Example of an outdoor dining area in the public right-of-way without a barrier



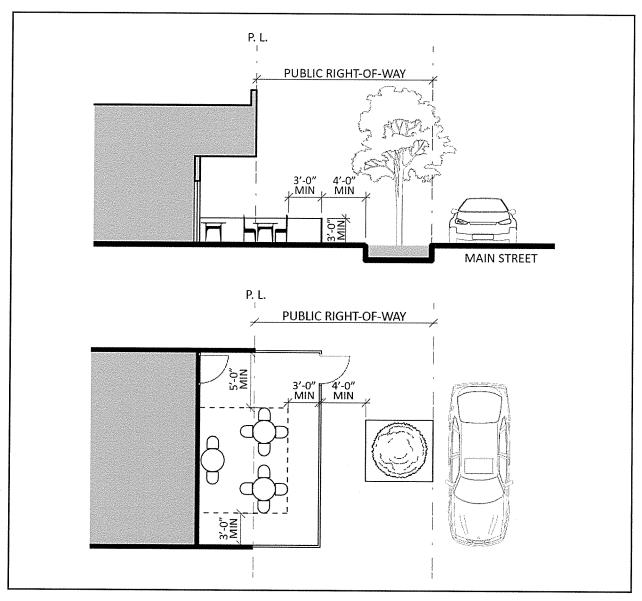
Example of an outdoor dining area in the public right-of-way abutting a storefront wall without a barrier



Example of an outdoor dining area in the public right-of-way with a barrier

The proposed code amendment will allow for the alteration of building façades to accommodate an outdoor dining alcove within the existing building footprint in conjunction with an outdoor dining area that encroaches into the public right-of-way. Altering the building façade for a dining alcove allows for a larger outdoor dining area, while continuing to maintain the required four-foot walkway. Should an applicant request to modify the existing storefront to create an outdoor dining alcove, the design must include an entrance from the public right-of-way leading to

the establishment, and the height of the alcove will be limited to one story. The proposed building façade should fully enclose the building area behind the outdoor dining area, with the exception of doors and operable windows. The amendment will also require that the outdoor dining alcove and the storefront, including glazing, be aesthetically and architecturally compatible with the existing building and the character of the Historic Main Street area. Any proposed building alterations to allow for a dining alcove will require review and recommendation by the Zoning Administrator and the Downtown Commission per Section 9.18.090.050.3 (Building Design Plan) of Title 9 of the Municipal Code. The diagram below illustrates an outdoor dining alcove with seating encroaching into the public right-of-way.



Example of a dining alcove in conjunction with an outdoor dining area in the public right-of-way with a barrier

To meet the intent of the CC-2 zone to preserve the Main Street character, the proposed amendment will require that the design of the dining area, including tables and chairs proposed, be architecturally and aesthetically compatible with the Historic Main Street area. The tables, chairs, and barrier, should be consistent with the design of the existing buildings on Main Street, as well as the planters, lamps, benches, and other streetscape elements that exist within the right-of-way along Main Street.

#### **Operational Requirements:**

The proposed amendment will also address operational requirements for outdoor dining areas in the public right-of-way within the Historic Main Street area, as required by ABC and the Garden Grove Police Department, to limit impacts to the neighboring area. It is proposed that the outdoor dining areas be for sit-down food and beverage service only, where the sales of food must accompany any sales and service of alcohol, and will prohibit stand-up only service. Should alcohol be served in the outdoor dining area, the alcoholic beverages must be served, delivered and/or removed to and from the outdoor dining area by the associated eating establishment business staff. The hours of operation of the outdoor dining area are to be limited to 10:00 p.m., seven days per week, and entertainment will not be allowed in the outdoor dining area to limit noise and impacts to the surrounding area.

Furthermore, the proposed amendment would establish maintenance guidelines, as required by Garden Grove's Public Works and the Community and Economic Development Departments. Outdoor dining areas are to be kept in a good state of repair and should be maintained in a clean, safe, and sanitary condition. In addition, all building entryways and the required pedestrian path of travel must be kept clear and unobstructed at all times. With the exception of the barriers, all furniture and umbrellas are to be removed and stored inside the associated tenant space during nonbusiness hours to prevent storage within the outdoor dining area.

#### **Encroachment Permit Requirements:**

An applicant will be required to simultaneously apply for, and obtain approval of, an encroachment permit from the Public Works Department in order to maintain an outdoor dining area in the public right-of-way. The encroachment permit must be renewed on an annual basis with the Public Works Department in order to continue the use of the outdoor dining area in the public right-of-way. A new encroachment permit is to be required in the event the eating establishment changes ownership. Along with the permit renewal application, proof of commercial general liability insurance and workers compensation insurance is to be submitted for the life of the renewal period. Under the encroachment permit, the City will have the right to temporarily suspend or prohibit the operation of an outdoor eating establishment in the public right-of-way at any time if necessary to safeguard the public health, safety or welfare or to avoid interference with special events, street or sidewalk improvements or cleaning, or similar activities. In the event the business operator ceases use of the outdoor dining area, all barriers are to removed, and the paying is to be returned to its original condition, as required the by Public Works Department.

# **RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt the proposed Resolution recommending approval of Amendment No. A-022-2018 to the City Council.

LEE MARINO

Planning Services Manager

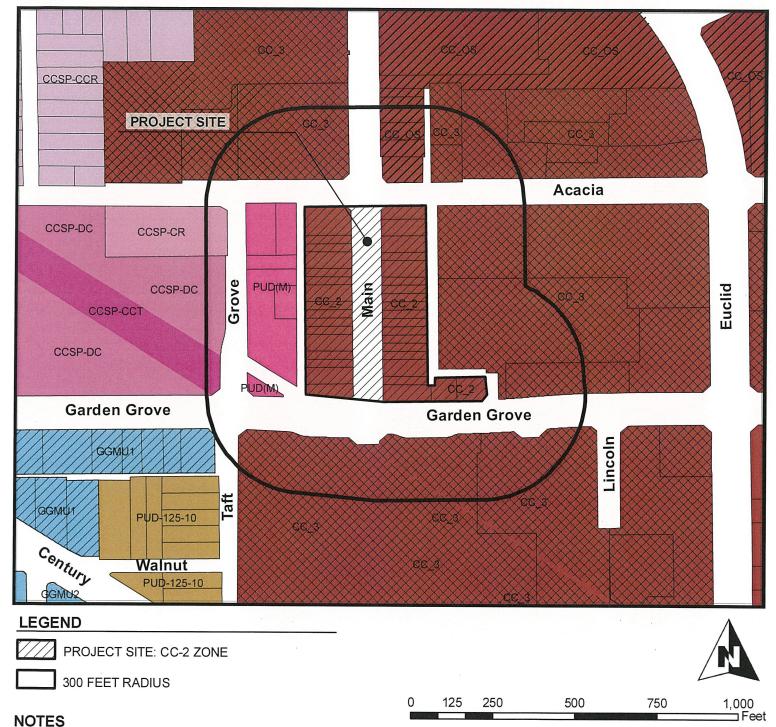
By:

Mary Medrano

Associate Planner



# **AMENDMENT NO. A-022-2018**



- 1. GENERAL PLAN: CIVIC CENTER MIXED USE
- 2. ZONING: CC-2 (CIVIC CENTER MAIN STREET)

CITY OF GARDEN GROVE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT PLANNING DIVISION GIS SYSTEM SEPTEMBER 2018

#### RESOLUTION NO. 5929-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-022-2018, A ZONING TEXT AMENDMENT TO CHAPTERS 9.18 (MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS) AND 9.32 (PROCEDURES AND HEARINGS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE TO ESTABLISH REGULATIONS PERTAINING TO OUTDOOR DINING AREAS IN THE PUBLIC RIGHT-OF-WAY ON HISTORIC MAIN STREET.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 6, 2018, does hereby recommend that the City Council approve Amendment No. A-022-2018.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-022-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

- 1. The case was initiated by the City of Garden Grove.
- 2. The City of Garden Grove is proposing a zoning text amendment to portions of Chapters 9.18 (Mixed Use Regulations and Development Standards) and 9.32 (Procedures and Hearings) of Title 9 of the City of Garden Grove Municipal Code to establish regulations pertaining to outdoor dining in the public right-of-way on Historic Main Street area. The proposed zoning text changes are set forth in Exhibit "A" attached hereto.
- 3. The Planning Commission recommends the City Council find that the proposed amendment is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- 4. Pursuant to legal notice, a public hearing was held on September 6, 2018, and all interested persons were given an opportunity to be heard.
- 5. Report submitted by City staff was reviewed.
- 6. The Planning Commission gave due and careful consideration to the matter during its meeting of September 6, 2018.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

#### FACTS:

Recently, the City has received numerous requests from eating establishment owners within the Historic Main Street area for outdoor dining in the public right-of-way between Garden Grove Boulevard and Acacia Parkway. Historically, the public right-of-way has been an area designated for pedestrian and vehicular travel, however, City events, such as the Garden Grove Farmer's Market and Car Show, have been held periodically within Main Street.

Parallel parking exists on the east and west sides of Main Street, however, there is no curb separating the walkway from the street parking area. The existing width of the public right-of-way along Main Street is 75 feet, with a 15-foot walkway between the front property line of each storefront and the parallel parking spaces. Therefore, it is proposed that outdoor dining areas in the public right-of-way be only allowed within the 15-foot area directly in front of the eating establishment to allow vehicular travel to remain as is.

Currently, eating establishment/restaurant uses within the Historic Main Street area, which are a permitted use in the CC-2 zone, are not permitted to have outdoor dining that encroaches into the public right-of-way. However, the City recognizes that visitors and individual businesses within the Historical Main Street area may benefit from outdoor dining in the public right-of-way. Outdoor dining in the public right-of-way may invigorate the street, while offering restaurants an opportunity for additional seating. The City's General Plan encourages outdoor dining in the Civic Center to be a pedestrian friendly area to contribute to the walkability appeal of Downtown, encourage opportunities for social interaction, and contribute to Downtown's identity and streetscape, as well as to "preserve the Main Street character and charm." Moreover, outdoor dining in the public right-of-way may be a unifying element throughout the Downtown that will encourage new businesses to open in the Historic Main Street area. As a result, the City is proposing a zoning text amendment that will establish design standards and quidelines to ensure that outdoor areas dining in the public right-of-way are of high quality design to contribute to the creation of a functional and aesthetically pleasing streetscape that suits the historic character of Main Street.

The proposed Land Use Code amendments would establish a process for eating establishments fronting Historic Main Street to obtain a Main Street Outdoor Dining Permit authorizing them to maintain and use an outdoor dining area in the public right-of-way that is incidental and accessory to the eating establishment use and would address design standards, aesthetic concerns, and operational requirements for these outdoor dining areas.

#### FINDINGS AND REASONS:

1. The Amendment is internally consistent with the goals, objectives, and elements of the City's General Plan.

The General Plan 2030 Land Use Element established the Civic Center Area as the "Heart of the City" and encourages the area to have pedestrian friendly streets that provide a human scale and balance between vehicular and pedestrian traffic. The City's General Plan encourages opportunities for social interaction that contribute to Downtown's identity and streetscape, as well as to "preserve the Main Street character and charm." The Community Design Element, under Goal CD-5, identifies Main Street as one of Garden Grove's landmarks and encourages its unique character and pedestrian friendly environment be kept and enhanced with outdoor dining and streetscape in character with the Civic Center area. The proposed amendment encourages outdoor dining along Main Street, which will add to Downtown's identity to meet the intent of the City's General Plan under Goal LU-10, the restoration of the Civic Center as the heart of the City. Moreover, to preserve the Main Street character, the proposed amendment will require that the design of the dining area be architecturally and aesthetically compatible with the Historic Main Street area, and in keeping with the design of the existing buildings, and planters, lamps, benches, and other streetscape elements that exist within the right-of-way.

2. The Amendment will promote the public interest, health, safety, and welfare.

The design and operational standards proposed in this amendment promote the public interest, health, safety, and welfare by providing regulations that will limit impacts to the neighboring area. The proposed amendment will address the requirements of City and State departments, such as the City of Garden Grove's Public Works Department, Police Department, and the Community and Economic Development Department, as well as the State of California Alcoholic Beverage Control Department (ABC), and the Americans with Disabilities Act (ADA) for outdoor dining in the public right-of-way within the Historic Main Street area. Allowing for outdoor dining in the public right-of-way for eating establishments along Main Street, with the proposed design and operational requirements, ensures that the outdoor dining area will not interfere with the public interest, health, safety, and welfare of the neighboring properties or the Civic Center area. The proposed amendment limits outdoor dining areas to areas of the public right-of-way that are able to maintain proper accessibility and will not interfere with visibility, vehicular or pedestrian mobility or access, while maintaining the character and architectural aesthetics of the Historical Main Street area.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT:

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

# BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. Amendment No. A-022-2018 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment).
- 2. The Planning Commission recommends that the City Council approve Amendment No. A-022-2018.

#### **EXHIBIT "A"**

#### **PROPOSED TEXT AMENDMENTS**

Add New Subsection I to Section 9.18.090.050 (Additional Regulations Specific to the CC-2 Zone) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code as follows:

- I. Outdoor Dining in the Public Right-of-Way on Historic Main Street. Eating establishments located on Main Street between Acacia Parkway and Garden Grove Boulevard may locate and operate incidental and accessory outdoor dining areas on the adjacent public right-of-way, subject to compliance with the provisions of this Subsection I, approval of a Main Street outdoor dining permit by the Director or applicable hearing body pursuant to Chapter 9.32, and issuance of an encroachment permit by the City pursuant to Title 11. The provisions of this Subsection, and not Section 9.18.030.300, shall govern outdoor dining areas in the public right-of-way on Main Street.
  - 1. Definitions. The following definitions shall apply to this Section:
    - a. "Barrier" means a fabricated physical barrier that is firmly anchored to the ground meant to demarcate an outdoor dining area in the public right-of way.
    - b. "Dining alcove" means an outdoor recess opening out of an eating establishment in conjunction with an outdoor dining area in the public right-of-way.
    - c. "Director" means the Director of Economic and Community Development for the City.
    - d. "Encroachment permit" means a temporary revocable permit issued by the City pursuant to Title 11 authorizing use of a portion of the public right-of-way.
    - e. "Main Street outdoor dining permit" means a permit approved by the City in accordance with this Subsection and Chapter 9.32 authorizing the owner of an eating establishment that fronts on Main Street between Acacia Parkway and Garden Grove Boulevard to establish and maintain an outdoor dining area in the public right-of-way on Main Street immediately adjacent to the eating establishment.
    - f. "Obstruction" means any object or obstacle, which completely or partially blocks a path of travel on a public right-of-way, including, but not limited to, a sign, lamp post, bench, tree, tree grate, table, chair, umbrella, or other object attendant to an outdoor dining area in the public right-of-way.
    - g. "Outdoor dining area in the public right-of-way" means a specific area within the public right-of-way adjacent to an eating establishment that contains seating for patrons of the eating

establishment and where food and/or beverage service and other activities related to dining that are incidental and accessory to operation of the eating establishment may occur.

- 2. Application for Main Street Outdoor Dining Permit. An application for a Main Street outdoor dining permit shall be filed on forms provided by the Director, and submitted under penalty of perjury, and shall be accompanied by a fee in the amount established by the City Council for a Director's Review. The application shall be filed concurrently with an application for an encroachment permit and shall include, without limitation, the following information and documents:
  - a. The name and business address of the eating establishment with which the proposed outdoor dining area in the public right-of-way is associated.
  - b. The name, business address, telephone number, and email address of the applicant, which must be the owner of the adjacent eating establishment, and the applicant's responsible managing officer signing the application. An applicant that is a corporation, limited liability company, or partnership shall designate one of its officers, members, managers, or general partners to act as its responsible managing officer to complete and sign the application and to bind the entity in contract, and shall submit evidence acceptable to the Director that such individual is authorized to act on behalf and bind the applicant.
  - c. If the applicant is not the legal or beneficial owner of the adjacent property on which the eating establishment is located, include the name and address of the property owner(s) and a written authorization executed by the property owner(s), or the property owner(s) authorized agent, authorizing the applicant to establish and maintain an outdoor dining area in the public right-of-way and to submit the application. If said authorization is executed by an agent of the property owner(s), written authorization of such agency satisfactory to the Director shall also be provided.
  - d. Plans, drawings and a description of the proposed outdoor dining area in the public right-of-way and/or dining alcove satisfactory to the Director. At a minimum, the plans shall show in detail the dimensions of the proposed outdoor dining area in the public right-of-way; the locations and dimensions of all existing and proposed obstructions; the proposed locations, number, and arrangement of all barriers, tables, chairs, umbrellas, and other furnishings; and the location and dimensions of the proposed pedestrian path of travel. If construction of a dining alcove is proposed, detailed architectural and building plans for all structural alterations are required. The plans shall also include a description, satisfactory to the Director, of the colors, types, styles, and materials of all barriers, furnishings, umbrellas, and other objects proposed to be utilized within the outdoor dining area in the public right-of-way.

- e. A description of the anticipated periods of use during the year, the proposed hours of daily use, and whether the service of alcoholic beverages is requested.
- f. Sufficient evidence to establish, to the satisfaction of the Director, in his or her sole discretion, that the proposed outdoor dining area in the public right-of-way will not be inconsistent with the underlying dedication for public right-of-way or the City's title or estate in the underlying public right-of-way.
- 3. Design Requirements. Outdoor dining areas in the public right-of-way shall be subject to the following design and locational standards and requirements:
  - a. An outdoor dining area in the public right-of-way may only be located adjacent to Main Street. No existing trees, lamp posts, or planters may be removed or relocated. Existing benches and trash receptacles may not be removed, but may be relocated subject to approval of the Public Works Director or his or her designee.
  - b. Each approved outdoor dining area in the public right-of-way may only be located adjacent to the storefront of the eating establishment with which it is associated and may not extend across any portion of the storefront of an adjacent business or structure.
  - c. An outdoor dining area in the public right-of-way shall be arranged and located in such a manner that a four-foot (4'-0") minimum unobstructed path of travel for pedestrians along the right-of-way can be maintained at all times. Possible seating arrangements providing for a four-foot (4'-0") minimum path of travel are depicted in Figures 9.18-12a-d, below.
  - d. In accordance with applicable building code requirements, a minimum three-foot (3'-0") clear width of walking surfaces around dining furniture must be maintained, unless a lesser buffer is otherwise permitted. Where no barrier is installed, a three-foot (3'-0") minimum clearance buffer shall also be maintained between all dining furniture and the parallel parking limit line on Main Street.
  - e. All outdoor dining areas in the public right-of-way must be fully accessible to and useable by the physically handicapped in compliance with applicable law.
  - f. The amount of seating that may be permitted within an outdoor dining area in the public right-of-way is subject to applicable occupancy limits set forth in the uniform building codes, requirements of the City's Public Works Department, and any other applicable regulations set forth in this Title.
  - g. The use of removable table umbrellas is encouraged, provided such umbrellas maintain at least seven feet (7'-0'') of clearance above the sidewalk level, do not exceed ten feet (10'-0'') in height, and do not encroach into parking areas, walkways, or vision clearance areas.

- h. Portable heating units acceptable to the Fire Department may be utilized.
- i. Lighting for an outdoor dining area shall be provided. Lighting may be incorporated into the façade of the building and shall complement the style of the building. Lights on buildings shall not be glaring to pedestrian or vehicular traffic and should illuminate only the outdoor dining area. Battery-operated table lamps or candles, or other lighting sources that do not require electrical wiring, are encouraged.
- j. Barriers. Barriers demarcating an approved outdoor dining area in the public right-of-way may be installed, subject to an encroachment permit. A barrier is required if alcoholic beverages are sold, served, and/or consumed in the outside eating area. The following requirements apply where barriers are installed.
  - i. Barriers shall be fabricated from wrought iron or other sturdy materials approved by the City that are consistent with the aesthetic and architectural character of the Historic Main Street area. Barriers may not be fabricated of chain link, cyclone fencing, plastic, vinyl, or chicken wire and may not include fabric or canvas inserts, spears, spikes, and/or finials. An example of an acceptable type of barrier is shown in Photo 9.18-3a, below.



Photo 9.18-3a: Example of a fabricated wrought iron barrier.

- ii. All barriers shall be firmly anchored to the ground. At the time the barrier is removed, the paving shall be returned to its original condition.
- iii. A barrier may be no less than three feet (3'-0") and no more than three feet six inches (3'-6") in height.
- iv. The location of any barrier shall be subject to the approval of the Director or applicable hearing body and the provisions and conditions of the encroachment permit.
- k. Dining Alcoves. Storefronts may be altered to allow for dining alcoves in conjunction with an outdoor dining area that encroaches into the public right-of-way. In addition to all applicable requirements set forth in this Chapter, the following provisions shall apply to dining alcoves:
  - i. No new structural portion of the dining alcove shall encroach into the public right-of-way.
  - ii. The outdoor dining area may be located both within the dining alcove on private property and in the public right-of-way, provided the portion of the outdoor dining area in the public right-of-way complies with all requirements of this Subsection I, including, but not limited to, the maintenance of a minimum four-foot (4'-0) pedestrian path of travel.
  - iii. The dining alcove must include an entrance from the public right-of-way to the abutting property storefront.
  - iv. The dining alcove may be no more than one story in height.
  - v. The design of the dining alcove, including storefront systems, barriers, and glazing, shall be consistent with the aesthetic and architectural style of the building.
  - vi. The storefront shall completely enclose the abutting property building area behind, with the exception of doors and operable windows. The building area within shall not be open to the outside.
  - vii. Minimum glazing of the storefront shall be consistent with Section 9.18.100.040.F and Table 9.18-8, Storefront Glazing Calculation. The glazing of the storefront shall be clear and unobstructed, with the exception of the allowance under Section 9.20.040.D, Window Displays, to permit views into the establishment.
- I. Any proposed structural rehabilitation or significant alterations of existing building façades proposed in conjunction with an outside eating area in the public right-of-way, including the construction of dining alcoves, shall be subject to review and recommendation by the Zoning Administrator and the Downtown Commission in accordance with this Section 9.18.090.050.
- m. The area subject to the Main Street outdoor dining permit and the size, number, location, orientation, type, and materials of all barriers, tables, chairs, umbrellas, and other furniture shall be limited to that described in the approved Main Street outdoor dining permit. Any changes not otherwise authorized by the conditions of

approval to the Main Street outdoor dining permit shall require the filing of an application for a Modification to Approved Plans pursuant to Chapter 9.32 and shall be subject to review and approval by the Director or applicable hearing body.

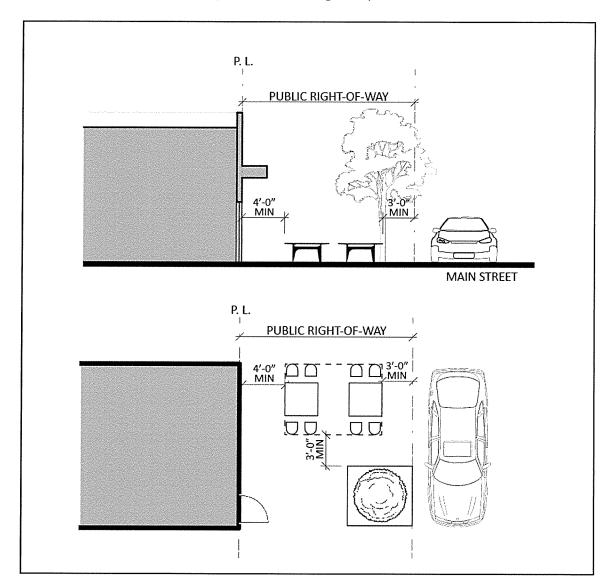


Figure 9.12a: Example of an outdoor dining area in the public right-of-way without a barrier.

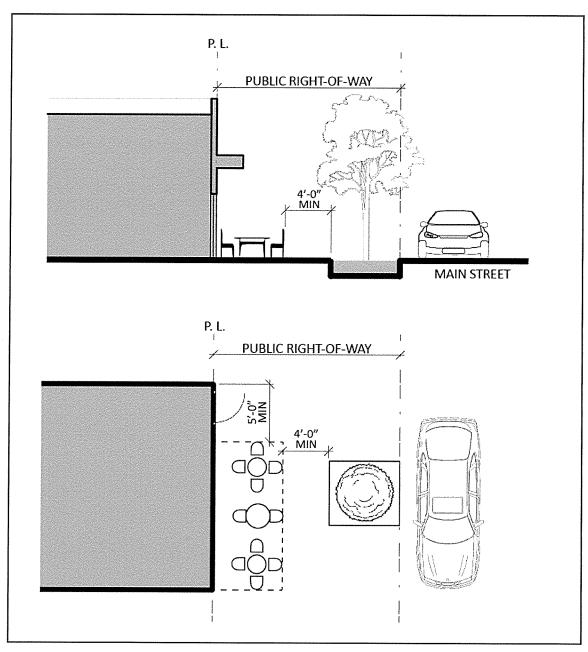


Figure 9.12b: Example of an outdoor dining area in the public right-of-way abutting a storefront wall without a barrier.

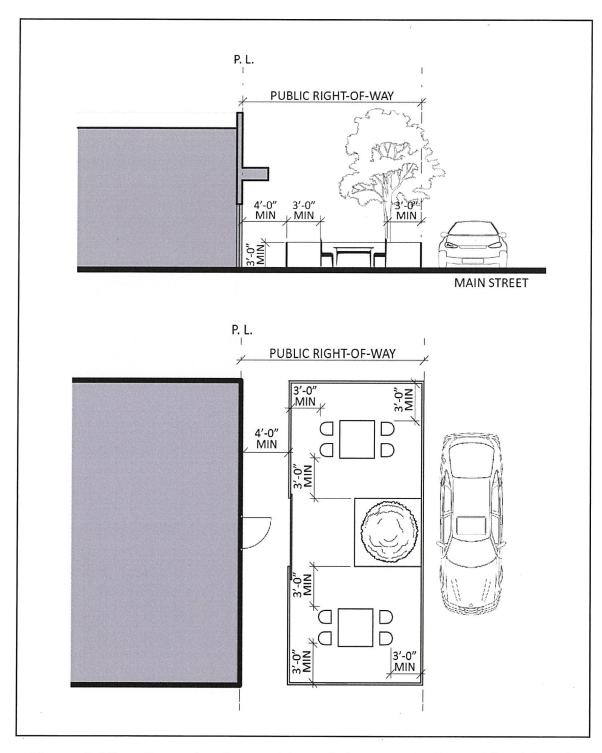


Figure 9.12c: Example of an outdoor dining area in the public right-of-way with a barrier.

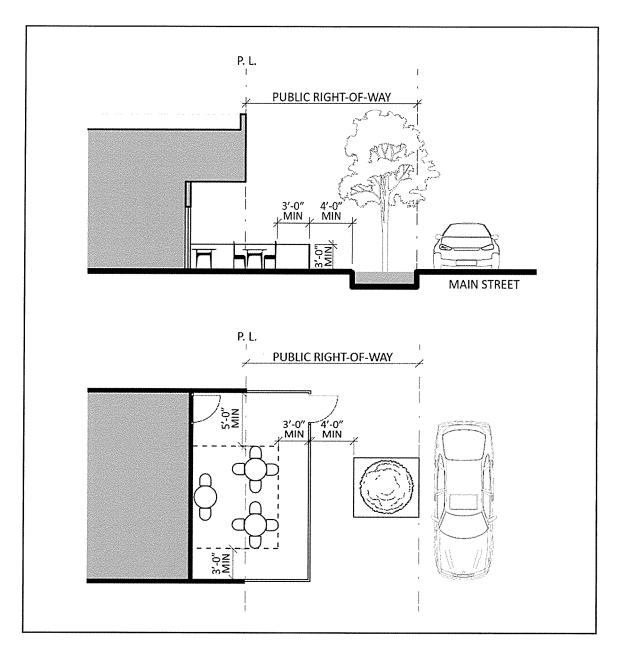
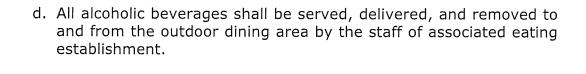


Figure 9.18-12d: Example of a dining alcove in conjunction with an outdoor dining area in the public right-of-way with a barrier.

- 4. Operational Requirements. All outdoor dining areas in the public right-of-way shall be subject to the following operational standards:
  - a. The business owner and operator shall comply with all provisions of this Subsection I and all conditions of approval of the encroachment permit, the Main Street outdoor dining permit and any applicable conditional use permit at all times. Failure to comply with any applicable Municipal Code or permit provisions or applicable

- conditions of approval may result in suspension or revocation of the Main Street outdoor dining permit.
- b. Hours of operation of an outdoor dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.
- c. Tables, chairs, table lamps, umbrellas, portable heaters, and other furniture and related items may not be stored within the public right-of-way and shall be removed and stored inside the building when the business is closed or the outdoor dining area in the public right-of-way is not in operation. Approved barriers do not need to be removed except as otherwise required pursuant to the encroachment permit.
- d. Outdoor dining areas shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition and in accordance with applicable Orange County Health Department regulations.
- e. All building entryways and the required pedestrian path of travel shall remain clear and unobstructed at all times.
- f. All outdoor dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
- g. No entertainment shall be permitted within an outdoor dining area.
- h. The use of mist systems or other devices spraying water over the public right-of-way is prohibited, unless the spraying of water is confined to seating located directly adjacent to the storefront or within a dining alcove. Overspray onto the required path of travel is prohibited.
- i. All plans and permits for an outdoor dining area in the public rightof-way and/or dining alcove shall be kept on the premises of the eating establishment for inspection at all times the establishment is open for business.
- 5. Sale and/or Service of Alcoholic Beverages. The service of alcoholic beverages and its consumption by customers in an outdoor dining area in the public right-of-way shall comply with Section 9.18.060 (Alcohol Beverage Sales) and furthermore, shall be restricted as follows:
  - a. The sale, service, and/or consumption of alcoholic beverages within an outdoor dining area is prohibited unless authorized pursuant to a conditional use permit approved by the City and a valid license issued by the Department of Alcoholic Beverage Control. All provisions and conditions of such permits and licenses shall be complied with at all times.
  - b. A barrier acceptable to the City and the Department of Alcoholic Beverage Control is required.
  - c. The service of food shall accompany any sale or service of alcoholic beverages.



Add New Subsection 14 (Main Street Outdoor Dining Permit for Outdoor Dining Areas in the Public Right-of-Way on Historic Main Street) to Subdivision D (Land Use Action Procedures) of Section 9.32.030 (Land Use Actions) of Chapter 9.32 (Procedures and Hearings) of Title 9 of the Garden Grove Municipal Code as follows:

- 14. Main Street Outdoor Dining Permit for Outdoor Dining Areas in the Public Rightof-Way on Historic Main Street.
  - a. Applicability. Approval of a Main Street outdoor dining permit pursuant to this Subsection 14 shall be required for any eating establishment located along Historic Main Street within the CC-2 zone to establish and maintain an outdoor dining area in the public right-of-way pursuant to the provisions of Section 9.18.090.050 of this Chapter, Additional Regulations Specific to the CC-2 Zone. It shall be a condition of each Main Street outdoor dining permit that the applicant also obtain and maintain an encroachment permit from the City pursuant to Title 11 of the Garden Grove Municipal Code and comply with all conditions of such encroachment permit. Approval of a Main Street outdoor dining permit pursuant to this Subsection 9.32.030.D.14 shall not constitute approval of said encroachment permit.
  - b. Review authority.
    - i. Director's Review. The Department Director is vested with the authority to approve, conditionally approve, or deny applications for Main Street outdoor dining permits, provided the applicant is not proposing the sale, service or consumption of alcoholic beverages within the outdoor dining area and approval of a discretionary action by the Zoning Administrator, Planning Commission, or City Council is not otherwise required.
    - ii. Review by Hearing Body. Where an outdoor dining area in the public right-of-way is proposed in conjunction with another land use action that requires discretionary review pursuant to this Chapter, the application for a Main Street outdoor dining permit shall be processed in conjunction with said land use action and reviewed by the applicable hearing body in conjunction with such discretionary review.
    - iii. Alcohol sales. The sale, service and/or consumption of alcohol within an outdoor dining area in the public right-of-way shall also require approval of a new or amended Conditional Use Permit pursuant to the provisions of Section 9.18.060, Alcoholic Beverage Sales.
  - c. Required Findings. The Department Director or applicable hearing body may approve an application for a Main Street outdoor dining permit only if all of the following findings are made:

- i. The proposed outdoor dining area in the public right-of-way is consistent with the City's General Plan, all applicable development standards and Building Code requirements, and all other applicable Title 9 provisions;
- ii. The proposed outdoor dining area in the public right-of-way will be complimentary to, and not inconsistent with, the underlying dedication for public right-of-way or the City's title or estate in the underlying public right-of-way;
- iii. The applicant has demonstrated a satisfactory ability and willingness to comply with the Garden Grove Municipal Code and pertinent conditions to previously issued permits, licenses, and City land use approvals with respect to operation of the adjacent eating establishment;
- iv. The proposed outdoor dining activity will not be materially detrimental to the public health, safety or general welfare and will not injure or unreasonably interfere with the property or improvements of other persons located in the vicinity of the proposed outdoor dining area; and
- v. The City Engineer is prepared to issue an encroachment permit to the applicant for the establishment and maintenance of an outdoor dining area in the public right-of-way pursuant to Title 11.

### d. Notice and Review.

- i. Upon receipt of an application for a Main Street outdoor dining permit that is subject to review by the Department Director, a notice shall be sent to all owners of property with frontage on Historic Main Street between Acacia Parkway and Garden Grove Boulevard describing the nature of the request and advising that any comments should be submitted no later than ten (10) days from the date of the notice. If one or more property owners object to the application, the Director may refer review of the request to the Zoning Administrator or Planning Commission, where a public hearing will be noticed and held in accordance with the public hearing provisions of Chapter 9.32.
- ii. The Planning staff shall transmit the Department Director's notice of the decision, with any appropriate conditions of approval, to the applicant. The decision of the Department Director shall be final and binding unless an appeal is filed within 10 days from the date of the decision.

- iii. Any decision of the Department Director or Zoning Administrator may be appealed to the Planning Commission, and the provisions of Sections 9.32.110 through 9.32.150 shall apply, except as to the timeframe for appeal.
- iv. Any decision of the Planning Commission may be appealed to the City Council, and the provisions of Sections 9.32.110 through 9.32.150 shall apply.
- e. Conditions, Transferability and Scope of Rights.
  - i. The Department Director or hearing body is empowered to impose any conditions of approval on a Main Street outdoor dining permit determined to be necessary to ensure that the proposal complies with all local, state and federal laws, and satisfies the required findings.
  - ii. It shall be a condition of each Main Street outdoor dining permit that the applicant also obtain and maintain an encroachment permit from the City pursuant to Title 11 of the Garden Grove Municipal Code and comply with all conditions of such encroachment permit. Approval of a Main Street outdoor dining permit pursuant to this Subsection 9.32.030.D.14 shall not constitute approval of said encroachment permit.
  - iii. It shall be a condition of each Main Street outdoor dining permit that the scope, nature, and character of use of the adjacent eating establishment remain substantially the same as at the time approved. In the event there are significant changes to the scope, nature, or character of use of the adjacent eating establishment, all rights conferred by a Main Street outdoor dining permit for that eating establishment shall cease, and the owner(s) of the eating establishment shall be required to apply for and obtain a new Main Street outdoor dining permit, if eligible to do so.
  - iv. In the event of a change of ownership of the adjacent outdoor eating establishment, where the scope, nature, and character of use of the adjacent eating establishment does not significantly change, a Main Street outdoor dining permit may be automatically transferred to the new owner(s) of the eating establishment upon written notice to the City, issuance of a new encroachment permit pursuant to Title 11, and execution by each owner of a written acknowledgment and agreement to comply with the conditions of approval of the permit in a form acceptable to the Department Director.

- v. Approval of a Main Street outdoor dining permit pursuant to this Subsection shall not be construed to grant the applicant or adjacent property or business owner any property interest in the public right-of-way or any entitlement to continued use of the public right-of-way.
- vi. Following investigation, written notice, and an opportunity to respond, a Main Street outdoor dining permit may be revoked or suspended by the Department Director: (a) in the event of suspension, revocation, expiration, or non-renewal of the encroachment permit; (b) upon failure of the business owner and/or operator to comply with the conditions of approval and/or applicable legal requirements; or (c) if one or more of the required findings for approval of the permit can no longer be made with respect to the outdoor dining area in the public right-of-way. If the Department Director revokes a Main Street outdoor dining permit, the procedures for notice and appeal set forth in Subsection (d) (ii) (iv), above, shall apply.

Add new Section 11.12.330 (Encroachment Permits for Outdoor Dining Areas in the Public Right-of-Way on Historic Main Street) to Chapter 11.12 (Structures in Streets) of Title 11 of the Garden Grove Municipal Code as follows:

- 11.04.175 Encroachment Permits for Outdoor Dining Areas in the Public Right-of-Way on Historic Main Street.
- A. Purpose. The purpose of this Section is to establish specific additional requirements for the issuance of encroachment permits to dining establishments located on Historic Main Street to establish and maintain outdoor dining areas in the public right-of-way. The provisions of this Section are in addition to, and not in lieu of, the provisions of Section 11.04.170 and the other provisions of this Chapter, including, but not limited to, Section 11.12.010. In addition to satisfying the requirements herein, the applicant shall secure approval of a Main Street outdoor dining permit pursuant to Title 9 of the Garden Grove Municipal Code prior to operating or maintaining an outdoor dining area in the public right-of-way.
- B. Encroachment Permit Required. No person shall establish or maintain any outdoor dining area, including any chairs, tables, barriers, or other objects, in the public right-of-way on Historic Main Street without an encroachment permit approved by the City specifically authorizing such person to do so. In addition to the following requirements, the provisions of Section 11.12.010 shall apply to any such encroachment permit.
- C. Application. An application for an encroachment permit for the establishment and maintenance of an outdoor dining area in the public right-of-way on Historic Main Street shall be submitted to the City's Public Works Department on the form provided by the City and shall be accompanied by all information, documents, and plans requested by the City in order to evaluate the application. The applicant must be the owner of the adjacent dining establishment with which the proposed outdoor dining area is associated. The application shall be submitted at the same time as the application for approval of a Main Street outdoor dining permit pursuant to Title 9 is submitted, and shall be accompanied by all applicable fees. If work or construction in the right-of-way is required, the owner or operator's contractor shall obtain a separate encroachment permit pursuant to this Chapter governing such work or construction.
- D. Findings. The Director of Public Works, or his or her designee, may issue an encroachment permit pursuant to this Section based upon the following findings:
  - 1. The applicant is the owner of an adjacent eating establishment located on Main Street, between Acacia Parkway and Garden Grove Boulevard;
  - 2. All conditions set forth in this Section are or will be satisfied; and

- 3. The City has approved a Main Street outdoor dining permit for the proposed outdoor dining area in the public right-of-way pursuant to Title 9.
- E. Duration of Permit; Annual Renewal Required. Each encroachment permit issued pursuant to this Section shall expire twelve (12) months following issuance of the permit and must be renewed on an annual basis. The applicant shall file an application for renewal of the encroachment permit with the Public Works Department at least ninety (90) days prior to the permit's expiration date. The renewal application shall be submitted to the City's Public Works Department on the form provided by the City and shall be accompanied by all information, documents, and plans requested by the City in order to evaluate the application, along with the annual encroachment permit fee and other applicable fees and evidence of the insurance required by this Section. Failure to pay applicable fees and/or provide evidence of insurance coverage or other required documents prior to the permit filing deadline shall cause the encroachment permit to expire and the right to operate and maintain an outdoor dining area in the public right-ofway to terminate. In such event, a new application for an encroachment permit must be filed and approved in order for the eating establishment owner to operate and maintain an outdoor dining area in the public right-of-way.
- F. Conditions. In addition to any other conditions imposed by the City in order to promote the public health, safety and welfare and to allow for adequate pedestrian circulation, every encroachment permit issued pursuant to this Section shall be subject to the following conditions:
  - 1. The area covered by the encroachment permit, the number and location of any tables and chairs permitted, and the location of any authorized barriers shall be specifically limited to that shown on the exhibit attached to, or made part of, the encroachment permit.
  - 2. A four-foot (4'-0") foot minimum unobstructed pedestrian path of travel along the public sidewalk shall be maintained at all times.
  - 3. On corner lots or properties adjacent to driveways, no portion of an outdoor dining area shall be located within the triangular area formed by measuring twenty-five (25) feet along the curb lines to prevent obscuring corner vision clearance from any driveway or street.
  - 4. The outdoor dining area shall be located and arranged in a manner which will not interfere with visibility, vehicular or pedestrian mobility, or access to City or other public facilities. This determination shall be made at the time of application by the City Engineer, in his or her sole discretion, based on the characteristics of the site.
  - The permittee shall comply with the terms and conditions of the encroachment permit, shall maintain the portion of the right-of-way covered by the permit in a clean and safe condition for pedestrian travel, and shall

- immediately clear the right-of-way when ordered to do so by the City Engineer or other appropriate City officer.
- 6. Bond. Prior to the issuance of the encroachment permit, the applicant shall post a bond with the City to cover the cost of restoring the right-of-way to its original condition, where the applicant proposes modifications to the public surfaces, such as borings for recessed sleeves or post holes. The bond amount shall be determined by the City Engineer. On termination of the encroachment permit, the bond shall be released upon restoration of the right-of-way to the satisfaction of the City Engineer.
- 7. Insurance. The applicant shall, prior to the issuance or renewal of the encroachment permit, procure, and shall thereafter maintain in full force and effect while the permit is in effect, (a) commercial general liability insurance in a form and amount specified by the City's Risk Manager sufficient to cover potential claims for bodily injury, death, or disability and for property damage which may arise from or be related to the use of the public right-of-way for an outdoor dining area, naming the City, its officers, agents, and employees as additional insureds under the terms of the policy; and (b) workers compensation insurance, in the amount required by California law, which includes a waiver of subrogation. The specific requirements for such insurance will be provided to the applicant by the City with the application materials. All required endorsements and certificates evidencing such insurance must be provided to the City prior to issuance or renewal of an encroachment permit and immediately upon any policy renewal of or change in insurance coverage.
- 8. Indemnity. The applicant shall execute and deliver to the City an agreement, in writing and acknowledged by the applicant, in a form acceptable to the City, forever to indemnify, defend, and hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation and maintenance of the outdoor dining area in the public right-of-way.
- 9. Permission to encroach upon a portion of the public right-of-way with an outdoor dining area through issuance of an encroachment permit under this Section shall not constitute a deed or grant of an easement by the City. The permit may be revoked at any time pursuant Section 11.12.010.
- 10. The City shall have the right to temporarily suspend or prohibit the operation of an outdoor dining area in the public right-of-way at any time if necessary to safeguard the public health, safety and welfare or to avoid interference with special events, street or sidewalk improvements or cleaning, or similar activities. To the extent possible, the City will give prior written notice of any time period during which the operation of the outdoor dining area in the public right-of-way must be suspended.

- 11. Each encroachment permit issued shall be personal to the permittee and is not transferrable, delegable or assignable. Any attempted transfer, delegation or assignment of the permit shall be void. In the event the owner or owners of the business with which the encroachment permit is associated changes, the existing encroachment permit shall automatically terminate and become null and void and the new owner(s) shall obtain a new encroachment permit pursuant to this Section.
- 12. It shall be a condition of each encroachment permit issued pursuant to this Section that the applicant also obtain and maintain a Main Street outdoor dining permit pursuant to Title 9 and comply with all conditions of approval of said permit. Approval of an encroachment permit pursuant to this Section shall not constitute approval of a Main Street outdoor dining permit pursuant to Title 9.
- 13. Upon termination of the encroachment permit, the permittee shall remove, at its own expense, all personal property, furnishings, and equipment from the right-of-way. All barriers shall be removed and the sidewalk returned to its original condition.
- 14. The City may impose such other conditions on the encroachment permit as deemed necessary to promote the public health, safety and welfare and to allow for adequate pedestrian circulation.

## COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Existing and new street lights in the public right-of-way owned by Southern California Edison
<b>HEARING DATE:</b> September 6, 2018	GENERAL PLAN: Various
<b>CASE NO.:</b> Conditional Use Permit No. CUP-139-2018	ZONE: Various
APPLICANT: Sprint, LLC	APN: Various
OWNER: Southern California Edison	CEQA DETERMINATION: Exempt

### **REQUEST:**

The applicant is requesting Conditional Use Permit (CUP) approval to allow for the installation and operation of six (6) Citywide small wireless telecommunication facilities disguised as street light poles, along with related below-grade or internally concealed meters, attached equipment, and site improvements. The existing street lights in the City's public right-of-way are owned by Southern California Edison. The street lights will be removed and replaced with the new street light poles and all poles will include small wireless telecommunication facilities.

### **BACKGROUND:**

The subject sites are parkways located within the City's public right-of-way at various Citywide locations. The sites are improved with existing street light poles owned and operated by Southern California Edison. A map showing the location of the six (6) proposed sites has been included in this report.

The subject sites are zoned in R-1 (Single-Family Residential), R-3 (Multiple-Family Residential, PUD (Planned Unit Development), and have General Plan Land Use Designations of Low Density Residential, Low Medium Density Residential, Medium Density Residential, and Civic/Institutional.

Below is a street light pole table that provides information on ownership, location, and identification.

OWNER/ POLE MANAGEMENT	PROXIMITY	CODE	SCE POLE ID	POLE TYPE/ LUMINAIRE
Southern California Edison	Public right-of-way, west side of Gilbert Street, between Chapman Avenue and Allwood Avenue	OG90XSA71C	2159372E	Street Pole/ Single
Southern California Edison	Public right-of-way, south side     of Chapman Avenue, between     Haster and Bayport Street	OG90XSB16C	2061819E	Street Pole/ Single
Southern California Edison	3. Public right-of-way, south side of Chapman Avenue, between North Jetty Drive and Lewis Street	OG90XSB17C	2061825E	Street Pole/ Single
Southern California Edison	4. Public right-of-way, west side of Lewis Street, between Greentree Avenue and Lampson Avenue	OG90XSC36D	1315929E	Street Pole/ Single
Southern California Edison	5. Public right-of-way, west side of Lewis Street, between Chapman Avenue and Dawn Avenue	OG90XSC37B	4159207E	Street Pole/ Single
Southern California Edison	<ol> <li>Public right-of-way, west side of Chaparral Drive, south of Aspenwood Lane</li> </ol>	OG90XSC91C	1288509E	Street Pole/ Single

Based on the subject sites, none of the proposed wireless telecommunication facilities are located within five hundred feet (500'-0") of property owned or rented by a Planning Commissioner.

The authority of cities to regulate the placement of wireless telecommunication facilities within the public right-of-way is limited by applicable state and federal law; however, a city may exercise reasonable control as to the time, place, and manner of construction within the public right-of-way, may impose aesthetic requirements on proposed facilities, and may require a use permit. Pursuant to Chapter 9.24 of the Garden Grove Municipal Code, Conditional Use Permit approval is required for all new stealth wireless telecommunication facilities.

### **DISCUSSION:**

Small wireless telecommunication facilities or small cell facilities are commonly placed in the public right-of-way on existing street light poles, traffic signals, utility poles, or on new street light poles. The equipment is light weight, low power, and typically provides a coverage radius of up to approximately five hundred feet (500'). Small wireless telecommunication facilities complement and supplement the broader macro cell facilities in that they can fill gaps in coverage and provide increased network capacity, ensure connectivity, or meet the demand for heavily populated areas that need more network capacity by using an 'existing facility'.

CASE NUMBER CUP-139-2018

Sprint, LLC is proposing to remove and replace six (6) existing Citywide street light poles located within the public right-of-way owned and operated by Southern California Edison. The new 34'-8" tall small wireless telecommunication facilities will be disguised as functioning street light poles. All designs will include a related below-grade or concealed meter, attached equipment, and site improvements.

The applicant will be required to obtain all required building permits, Public Works encroachment permits, and traffic lane closure permits along with City approval of a vehicular traffic control plan for all six (6) subject sites.

### Street Light Poles - Existing

The disguised street light poles will be installed within the City's public right-of-way. The design will not require any type of at-grade enclosure or equipment.

The proposed new street light poles will have a pole height of 29'-3" with an ultimate height to the top of the antenna of 34'-8". Each proposed new small wireless telecommunication facility will consist of a directly installed canister antenna approximately two-feet (2'-0") tall, remote radio units, power supply units, a surge protection device, and a ground bar attached to the top of the new light pole concealed by a 5'-5" shroud, along with a below-grade or internally concealed meter, as well as other related equipment. All new street light poles will include a visible radio frequency and site identification placard. The luminaire design and LED light will be consistent with the City's luminaire replacement program.

The proposed new street light poles will be erected within a few feet of the existing street light poles. There will be a disruption of power as the applicant disconnects the existing pole and energizes the new street light poles. The existing poles being removed will include any related equipment, sub-structure, and concrete foundation. The existing foundation trench will be back-filled with clean fill, compacted, and completed with a finish surface to match the existing surroundings.

City staff has reviewed various design options for placing the new small wireless telecommunication facilities within the City's public right-of-way and believes the attached design is the most appropriate design offered by the applicant. Conditions of approval have been incorporated to ensure that the new street light poles will be consistent in appearance with existing Citywide street light poles. All attached equipment (i.e., canister antenna, shroud, remote radio units, power supply units, mounting equipment, and other attached equipment) will be factory painted to match the pole's color to aid with aesthetically blending all visible equipment as one unit.

The location and design for the small wireless telecommunication facilities have been selected to achieve the functional and operational requirements set by Sprint. The small wireless telecommunication facilities will help expand the service provider's coverage area within the City, help fill gaps that currently exist in their network, and help customers who are prone to experience connectivity issues. Situating these facilities at these locations will help reduce the burden on the provider's network and accommodate an increase in customer demand. Lastly, the

CASE NUMBER CUP-139-2018

request would comply with the Federal Communication Commission standards for radio frequency emissions.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

Adopt Resolution No. 5930-18 approving Conditional Use Permit No. CUP-139-2018, subject to the recommended conditions of approval.

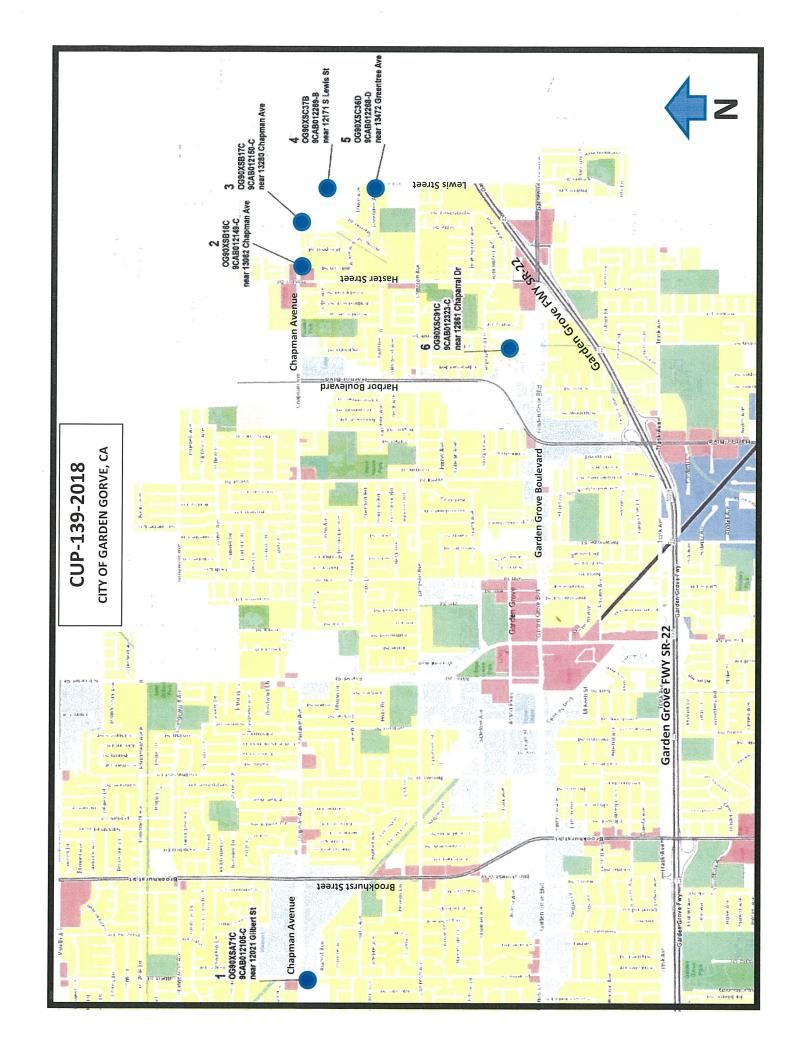
LEE MARINO

Planning Services Manager

By:

Paul Guerrero

Senior Program Specialist



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SITE ID-CANDIDATE LETTER/CASCADE ID-CANDIDATE LETTER:

9CAB012105C/OG90XSA71

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

STREETLIGHT ID/STRUCTURE NUMBER: 2159372E ENCATION: 33.78810600/-117.9675580(

12021 GILBERT ST

GARDEN GROVE, CA 92841

VICINITY MAP

## PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL EQUIPMENT ON A REPLACEMENT CONCRETE POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON REPLACEMENT STRETLIGHT SCE CONTRACTOR SHALL INSTALL NEW CONCRETE STRETLIGHT AND HANDHOLE.

SHEET TITLE	TITLE SHEET	GENERAL NOTES	GENERAL NOTES	GENERAL NOTES	EXHIBIT PHOTO & SITE PLAN	OVERALL SITE PLAN	POLE ELEVATIONS	POLE ELEVATIONS	PLUMBING & RISER DIAGRAM	EQUIPMENT DETAILS	POLE SPECIFICATIONS	EXCAVATION DETAILS	ELECTRICAL	GROUNDING	VEHICULAR TRAFFIC CONTROL PLAN INFO.	VEHICULAR TRAFFIC CONTROL PLAN		
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CODES

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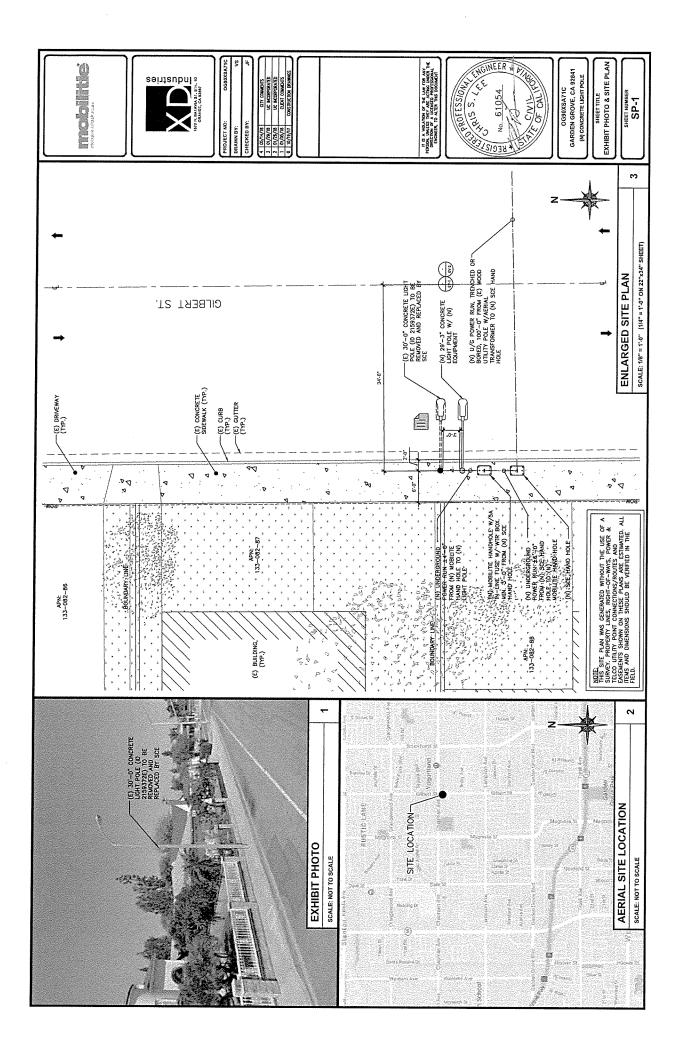
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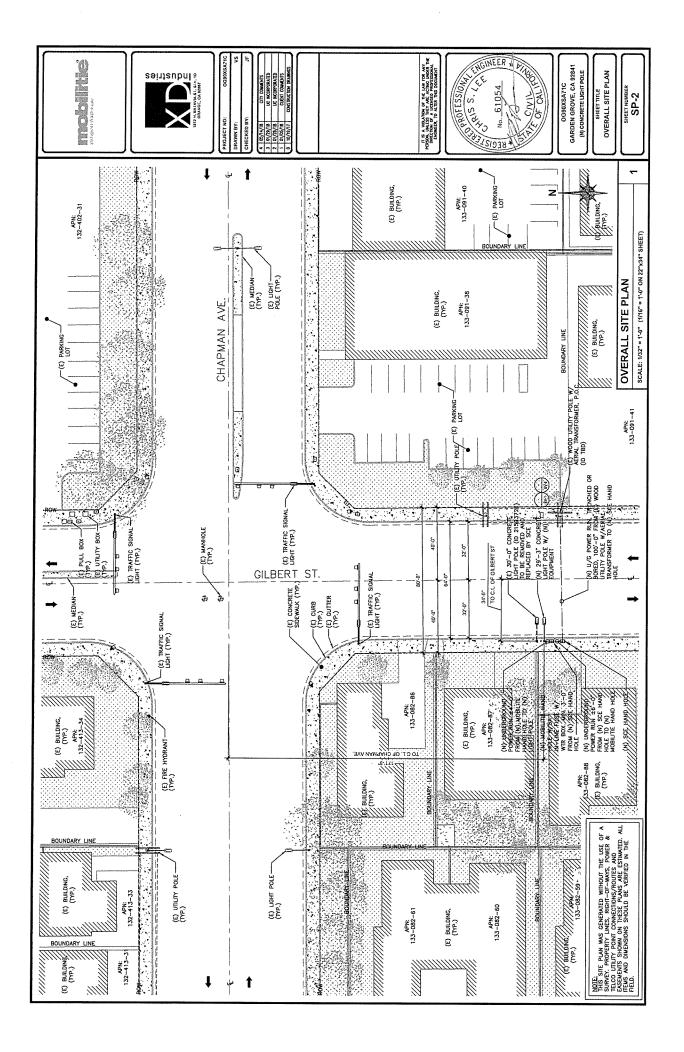
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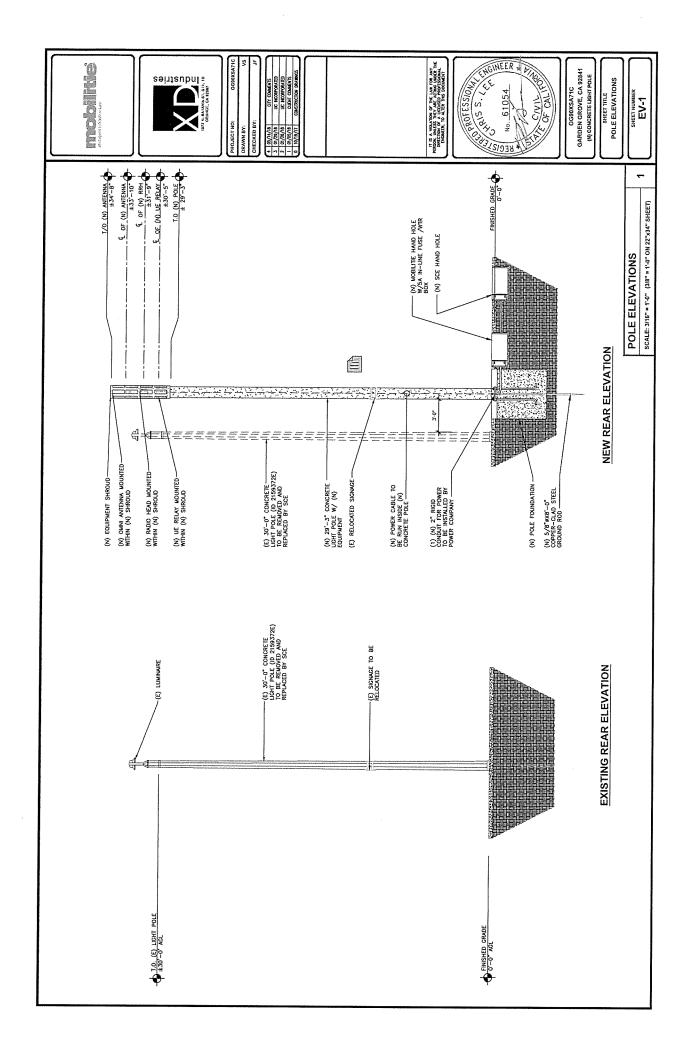
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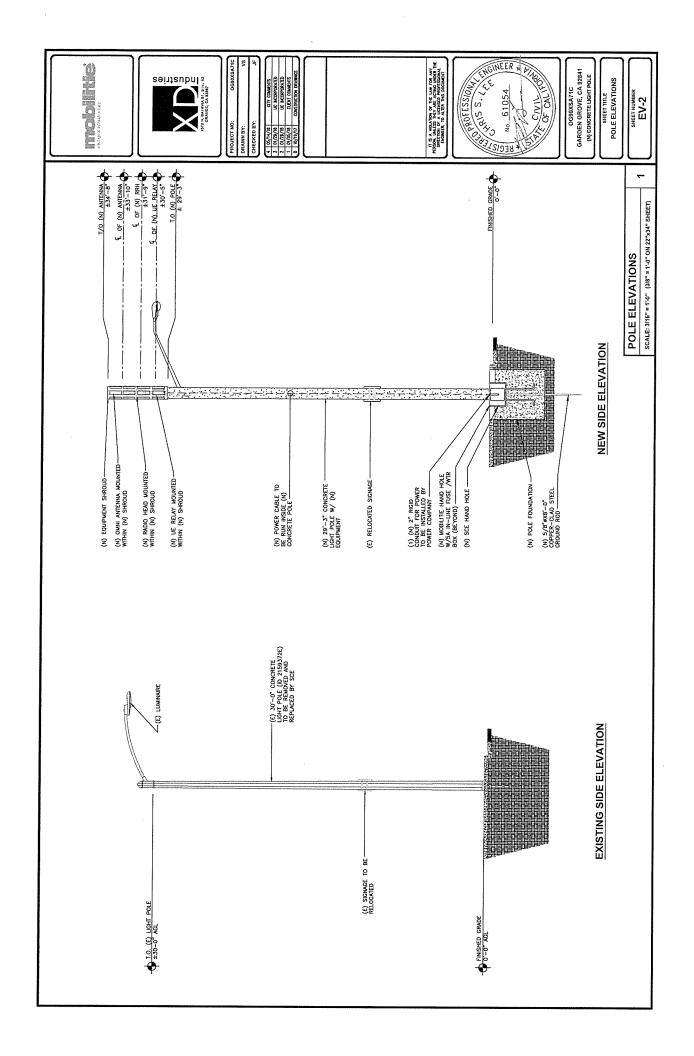
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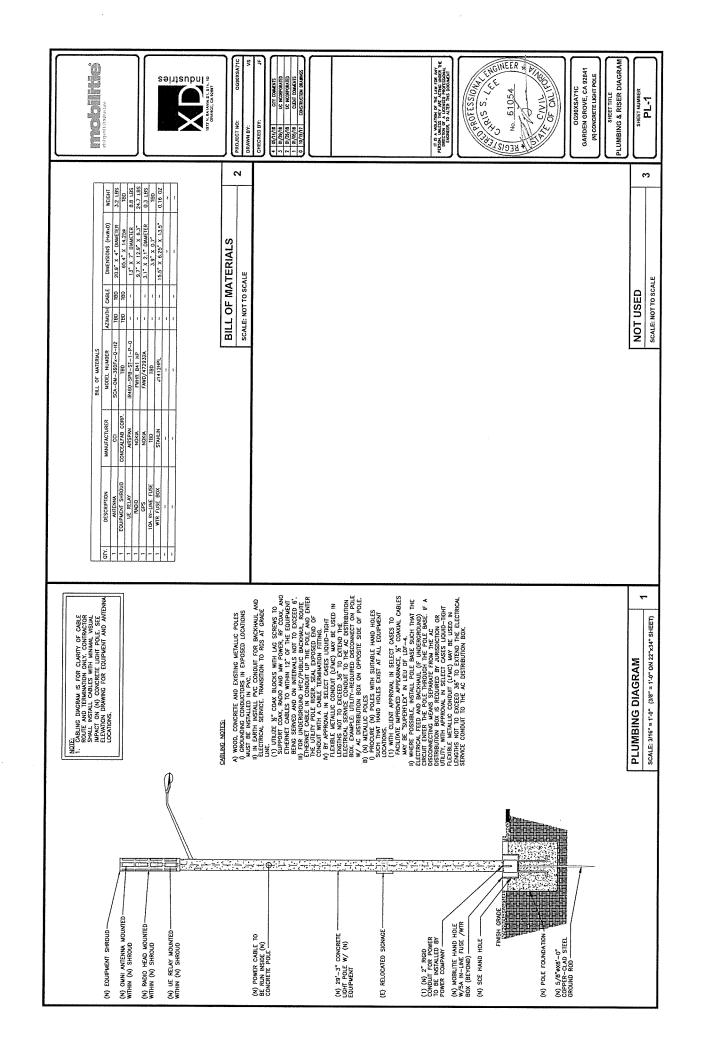
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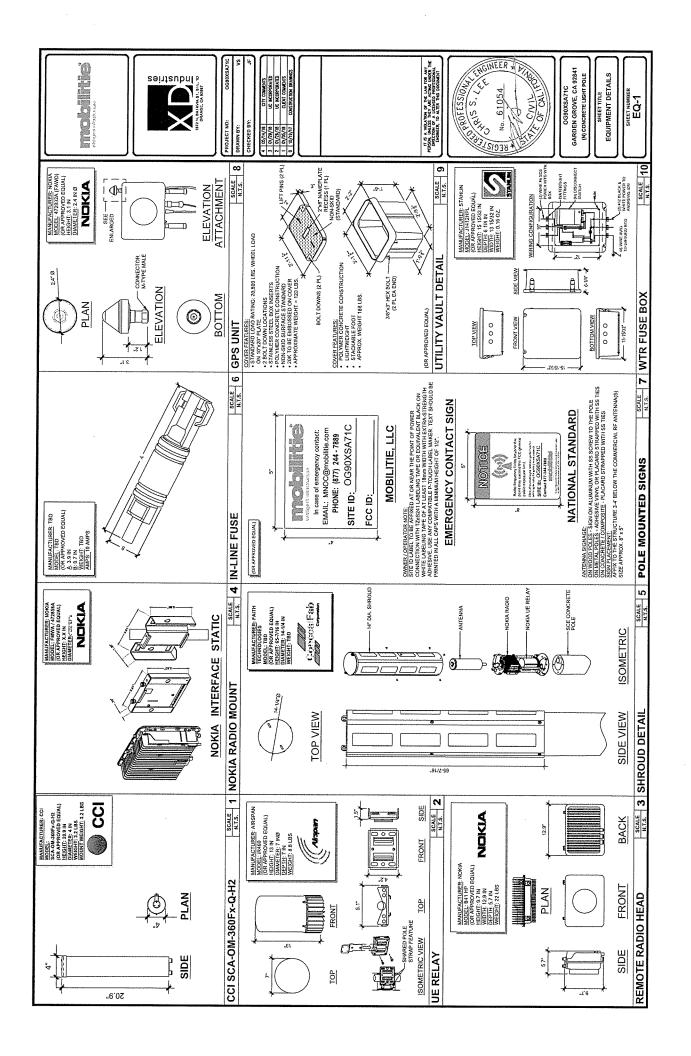












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13062 CHAPMAN AVE

GARDEN GROVE, CA 92840

VICINITY MAP

PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL EQUIPMENT ON A REPLACEMENT CONCRETE POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING: INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON REPLACEMENT STREFTLIGHT.
SCE CONTRACTOR STAILL INSTALL NEW CONCRETE STREFTLIGHT AND HANDHOLE.

CODES

GENERAL ORDER 95 2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE TW/EIA-222-G-2 OR LATEST EDITION LOCAL BUILDING/PLANNING CODE

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SIT	SITE ID:	CASCADE ID:	LATITUDE:	LONGITUDE:	CROSS STREET:	CITY, STATE, ZIP:	COUNTY:	JURISDICTION:	PROPERTY OWNER:	APPLICANT:		

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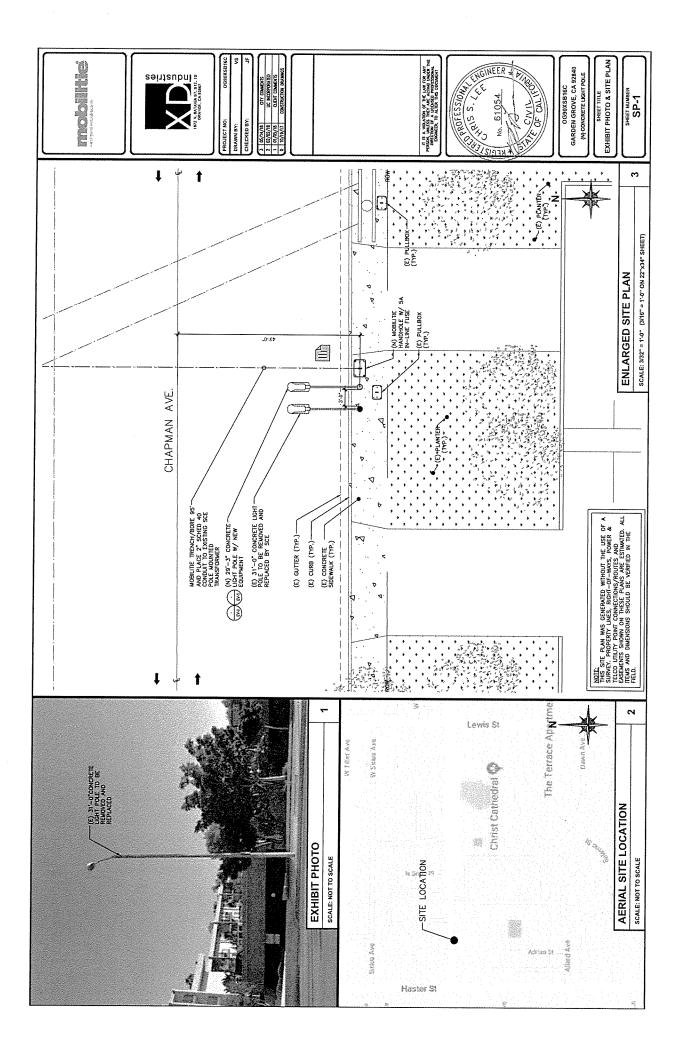
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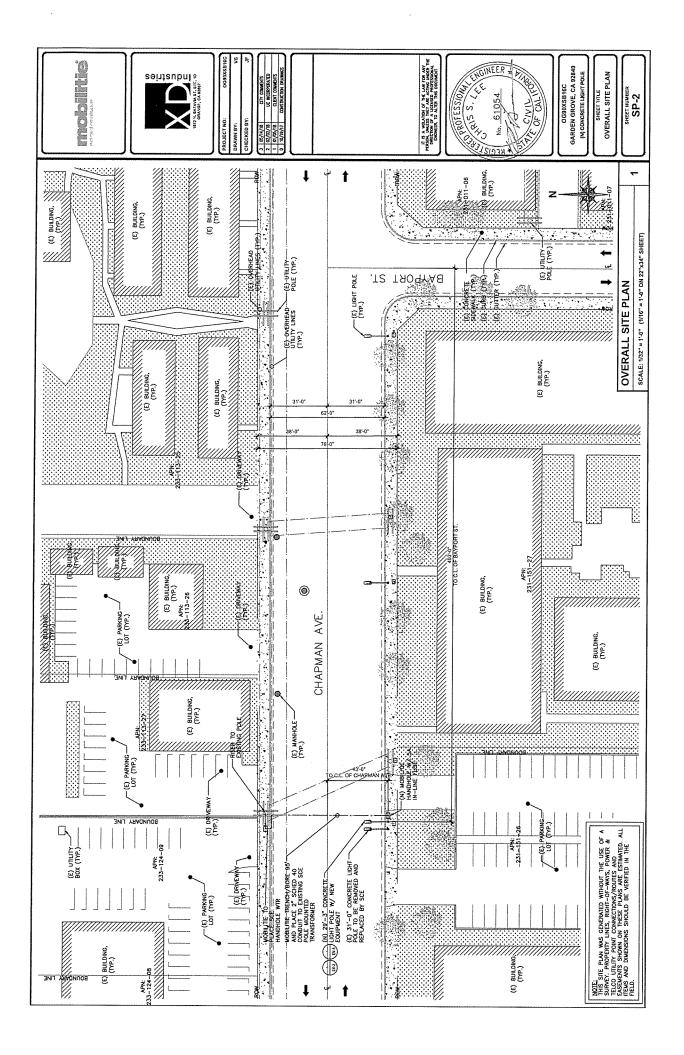
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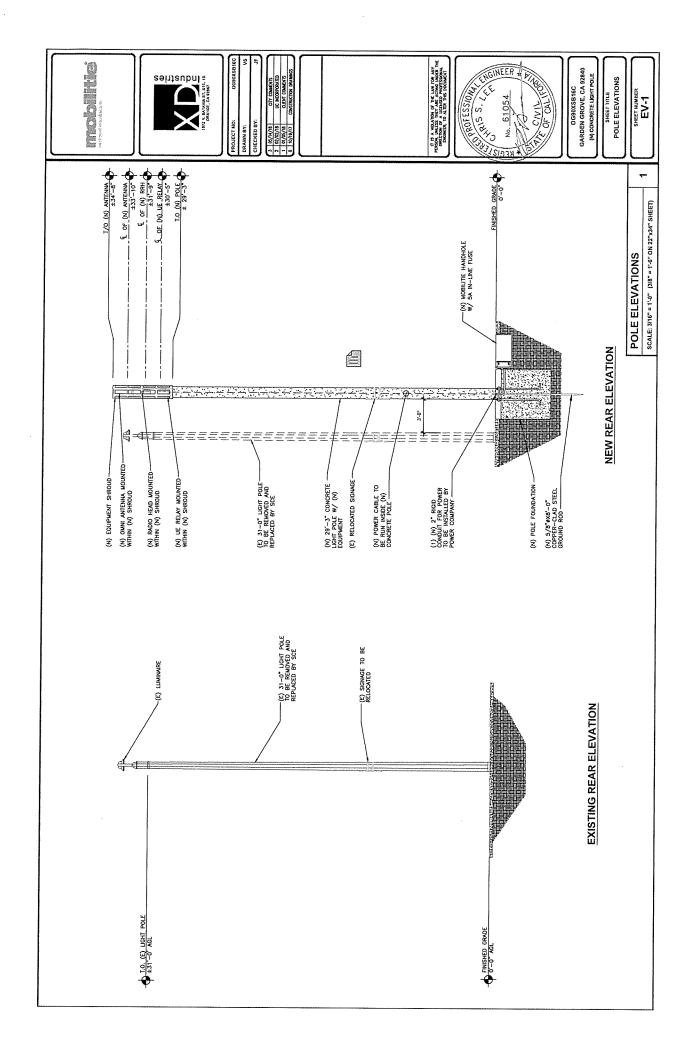
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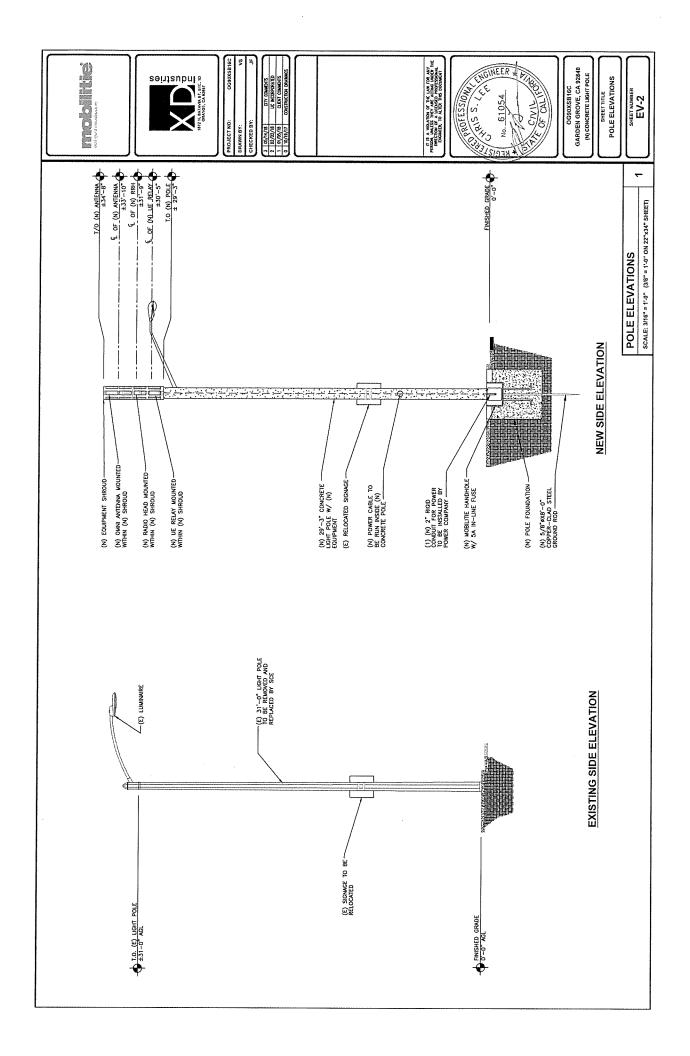
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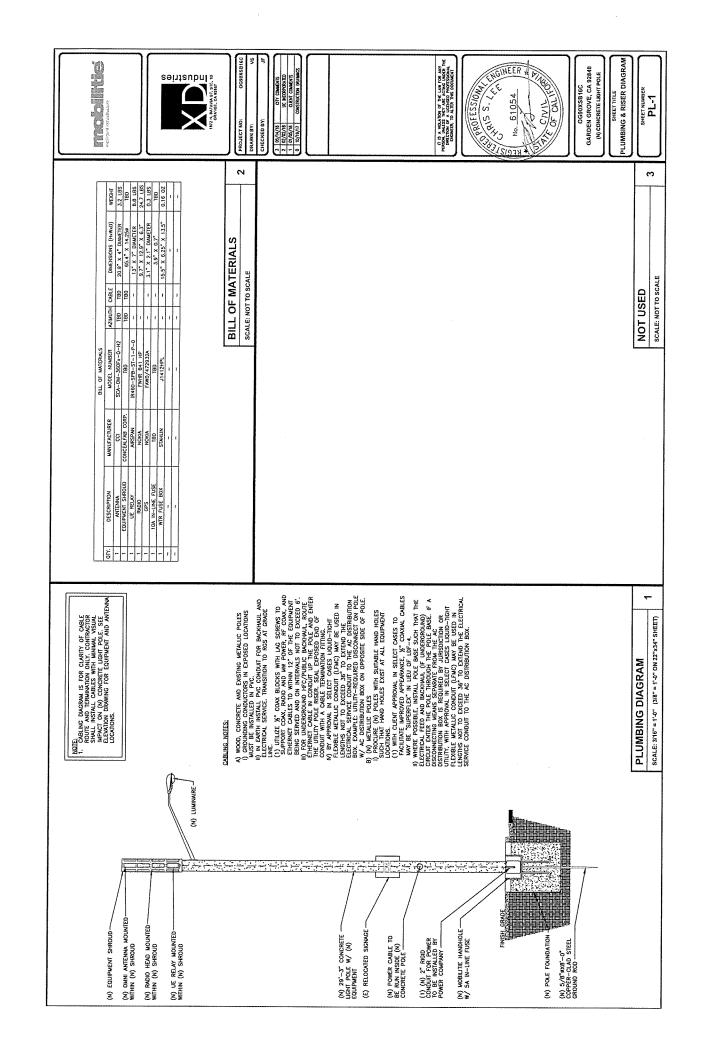
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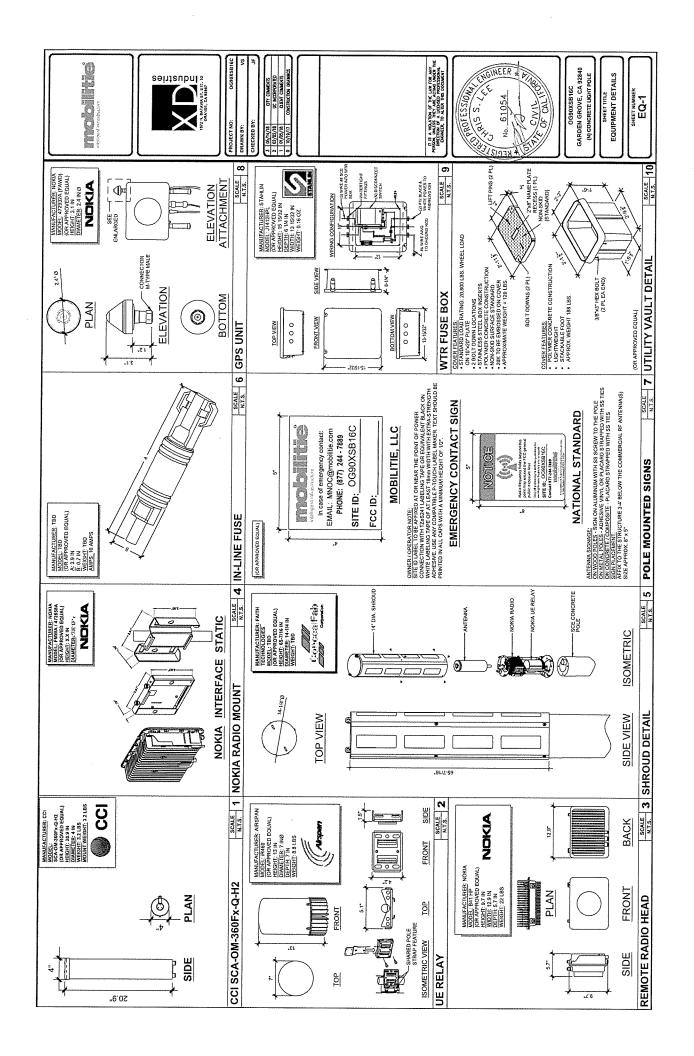












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GARDEN GROVE, CA 92840

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LOCAL BUILDING/PLANNING CODE	DRAWING INDEX
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12 S. KATO

No. 61054

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GARDEN GROVE, CA 9284

(N) CONCRETE LIGHT POLE OG90XSB17C

TITLE SHEET

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# VICINITY MAP

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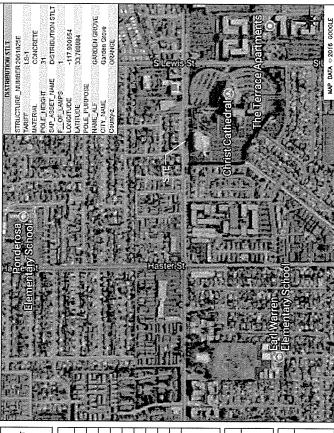
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SITE ID:	9CAB012150C
CASCADE ID:	0C90XSB17C
LATITUDE:	33,78879000
LONGITUDE:	-117.90071400
CROSS STREET:	CHAPMAN AVE, & N. JETTY DR.
CITY, STATE, ZIP:	CARDEN GROVE, CA 92840
COUNTY:	ORANGE COUNTY
JURISDICTION:	CITY OF GARDEN GROVE
PROPERTY OWNER:	PUBLIC RIGHT-OF-WAY
APPLICANT:	MOBILITIE LLC COSTA MESA, CA 92626 CONTACT: BARBARA BREDEN CONTACT: BARBARA BREDEN FUNITY CHARLES AS 224-7339

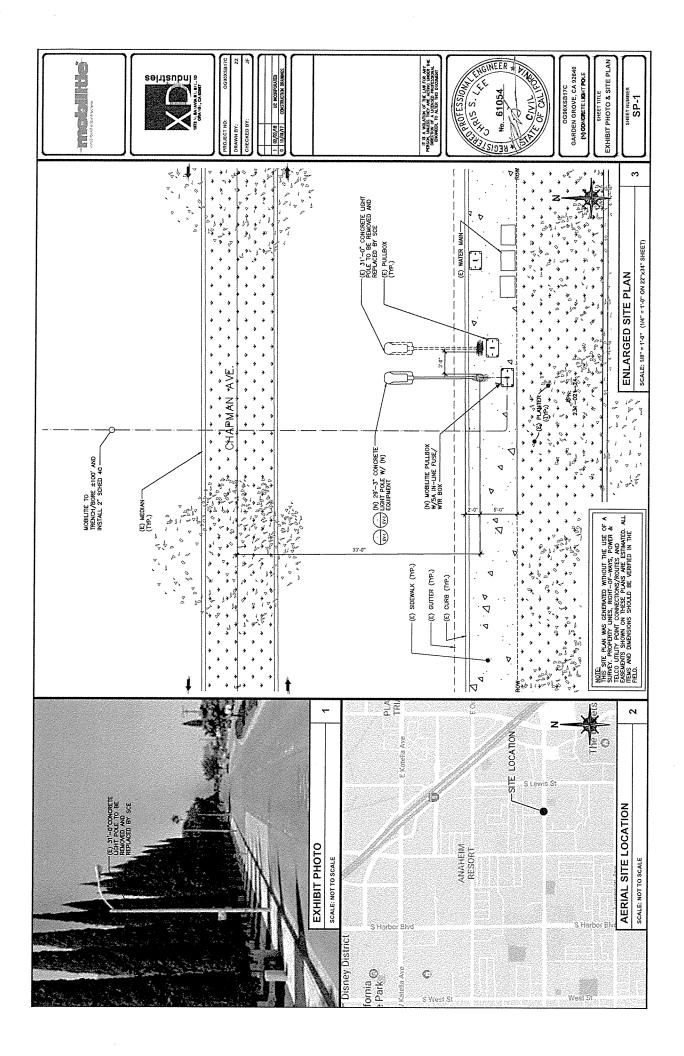
ENGINEER

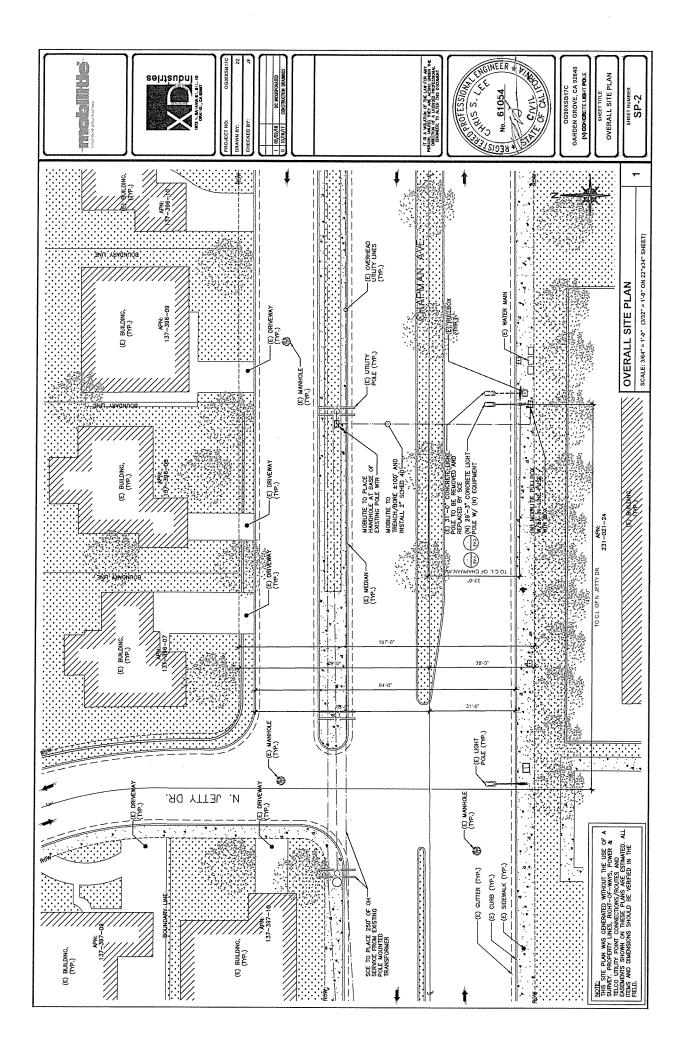
XD\_HINUSTRIES 1572 N. BATAVA ST. SUITE 10 (714) 947–3093 ORANGE, CA 92876 PROJECT NUMBER: 9CAB012150C

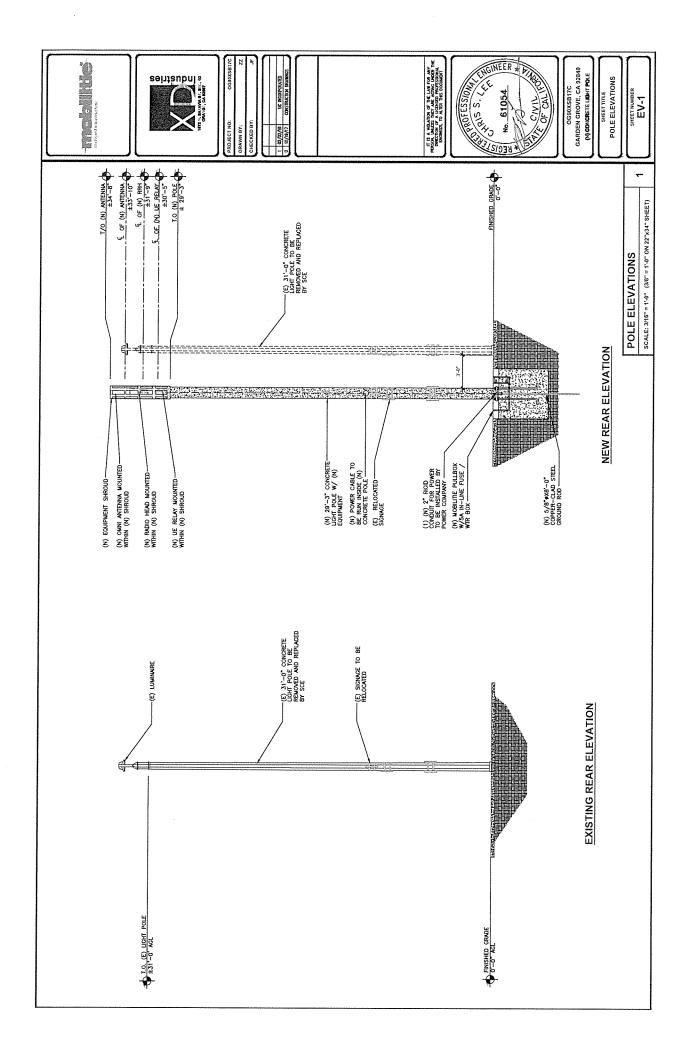
DO NOT SCALE DRAWINGS

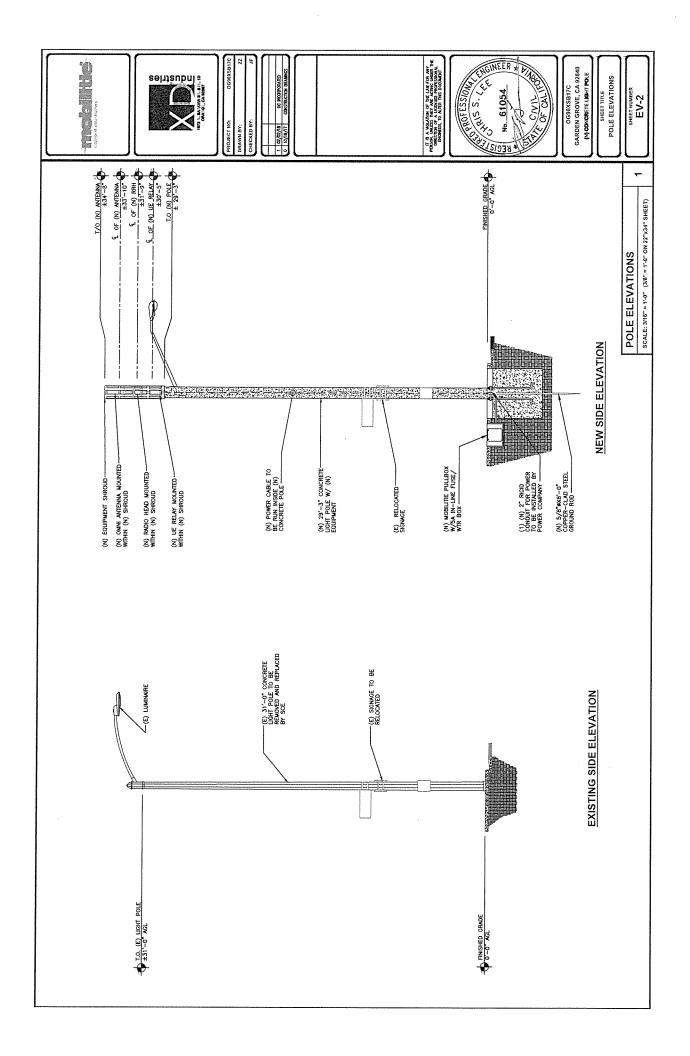
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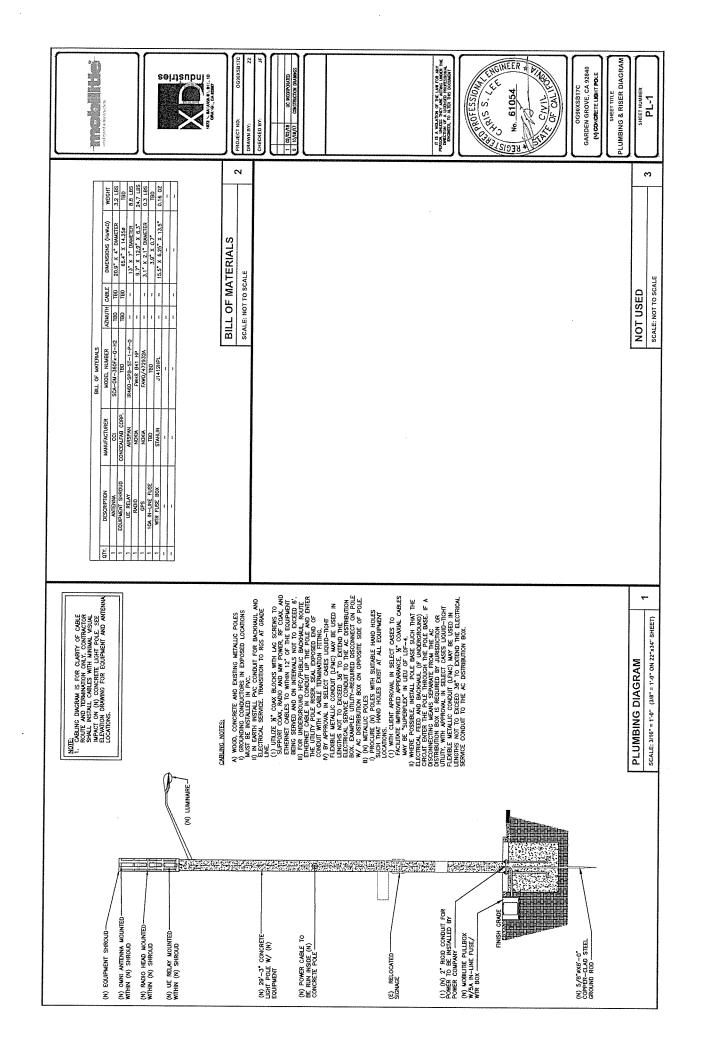


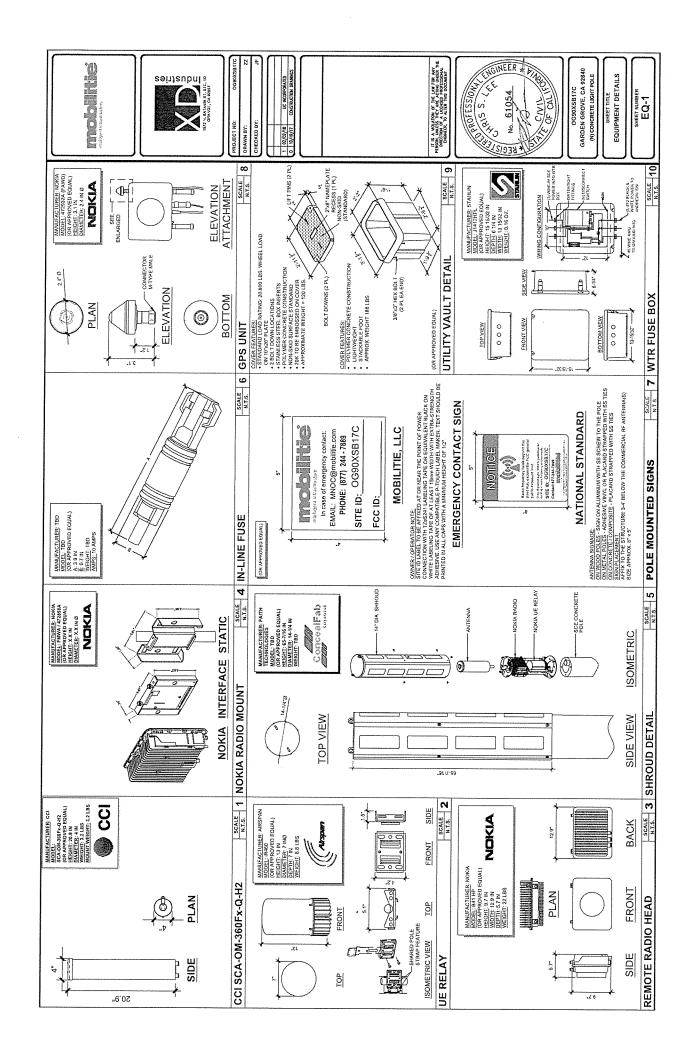












## (2)

intelligent infrastructure

SITE ID-CANDIĎATE LETTER/CASCADE ID-CANDIDATE LETTER

9CAB012269B/OG90XSC37B STREETLIGHT ID/STRUCTURE NUMBER: 4159207E

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

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33.78713300/-117.89764900

S. LEWIS ST. & CHAPMAN AVE. GARDEN GROVE, CA 92840

## VICINITY MAP



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GENERAL NOTES

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SITE ID:	9CABO12269B
CASCADE ID:	OG90XSC37B
LATITUDE:	33,78713300
LONGITUDE:	-117.89764900
CROSS STREET:	S. LEWIS ST. & CHAPMAN AVE.
CITY, STATE, ZIP:	GARDEN GROVE, CA 92840
COUNTY:	ORANGE COUNTY
JURISDICTION:	CITY OF GARDEN GROVE
PROPERTY OWNER:	PUBLIC RIGHTOF-WAY
APPLICANT:	MOBILITIE LLC COSTA MESA, CA 97826 APPLICANT: BARBARA BREEDEN PHONE: (949) 524–7399 EMAIL:bubaro.brestangmobilitie.com

ENGINEER

JOSE FRAS (714) 947-3093 PROJECT NUMBER: 9CAB012269B XD INDUSTRIES 1572 N. BATAVIA ST. SUITE 1D ORANGE, CA 92876

DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, (E) DIMENSIONS & FIELD CONDITIONS ON THE LOO SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECY FOUNEER IN WRITING OF ANY DISCREPANCES BEFORE PROCEEDING WITH THE WORK ON BE RESPONSIBLE FOR SAME.

## PROJECT DESCRIPTION

81/30/18

END USER PROPOSES TO INSTALL EQUIPMENT ON A REPLACEMENT CONCRETE LIGHT POLE, WITHIN AN EXISTING RIGHT-OF-WAY, THE SCOPE WILL CONSIST OF THE FOLLOWING.

INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON REPLACEMENT STREETLIGHT POLE.
SCE. CONTRACTOR SHALL INSTALL NEW CONCRETE STREETLIGHT POLE AND HANDHOLE.

### CODES

CENERAL ORDER 95 2015 INTERNATIONAL BUILDING CODE 2014 INTITIONAL ELECTRICAL CODE TA/EM-222-G-2 OR LATEST EDITION LOCAL BUILDING/PLANNING CODE

DRAWING INDEX

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SHEET TITLE	TITLE SHEET	GENERAL NOTES	GENERAL NOTES	GENERAL NOTES	EXHIBIT PHOTO & SITE PLAN	OVERALL SITE PLAN	POLE ELEVATIONS	POLE ELEVATIONS	PLUMBING & RISER DIAGRAM	EQUIPMENT DETAILS	POLE SPECIFICATIONS	EXCAVATION DETAILS	ELECTRICAL	GROUNDING	VEHICULAR TRAFFIC CONTROL PLAN		- Vermandarian	
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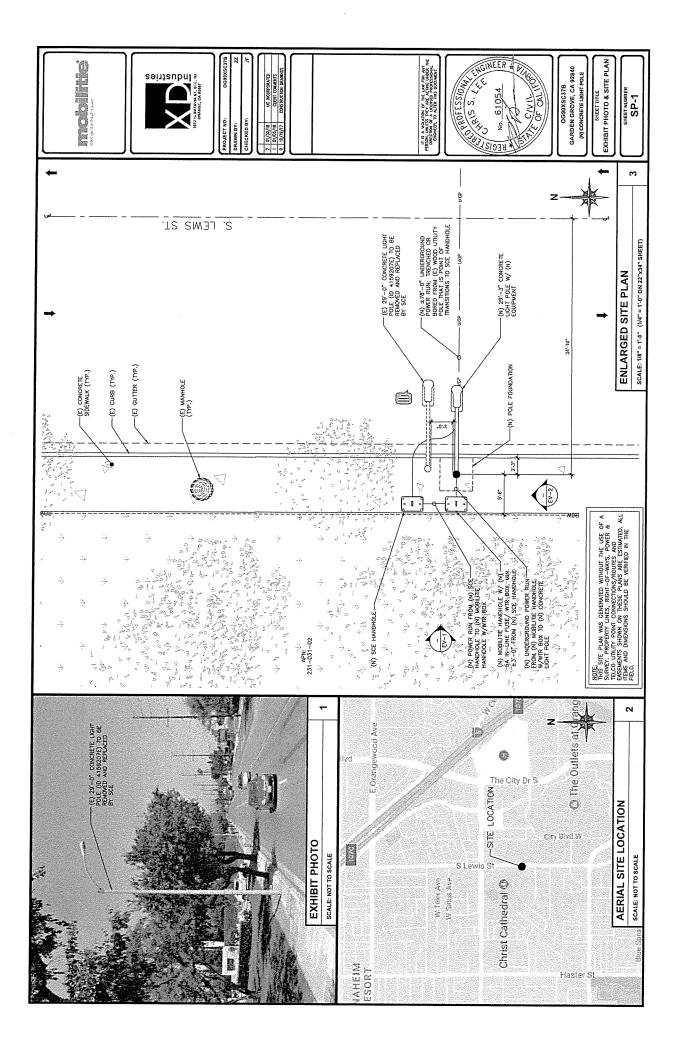
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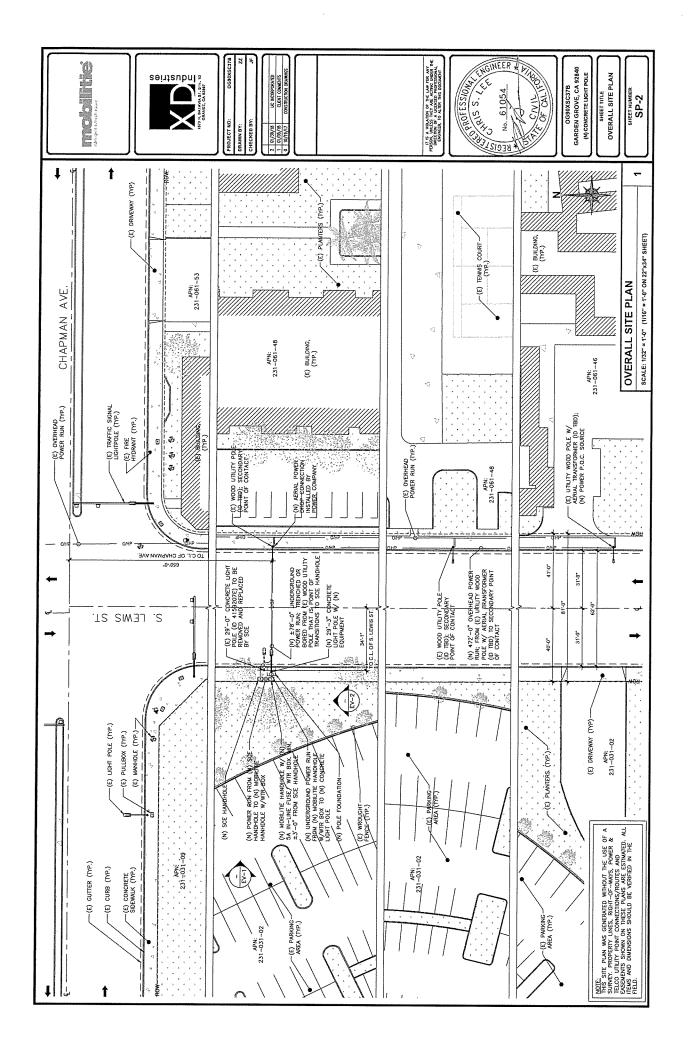
OG90XSC37B GARDEN GROVE, CA 92840 (N) CONCRETE LIGHT POLE

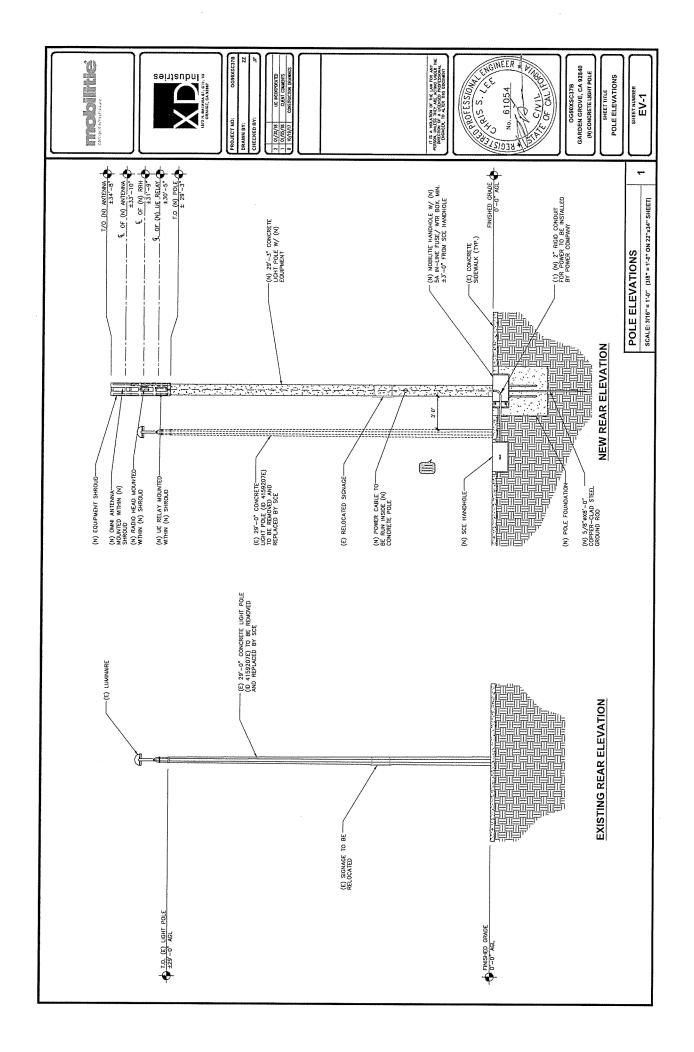
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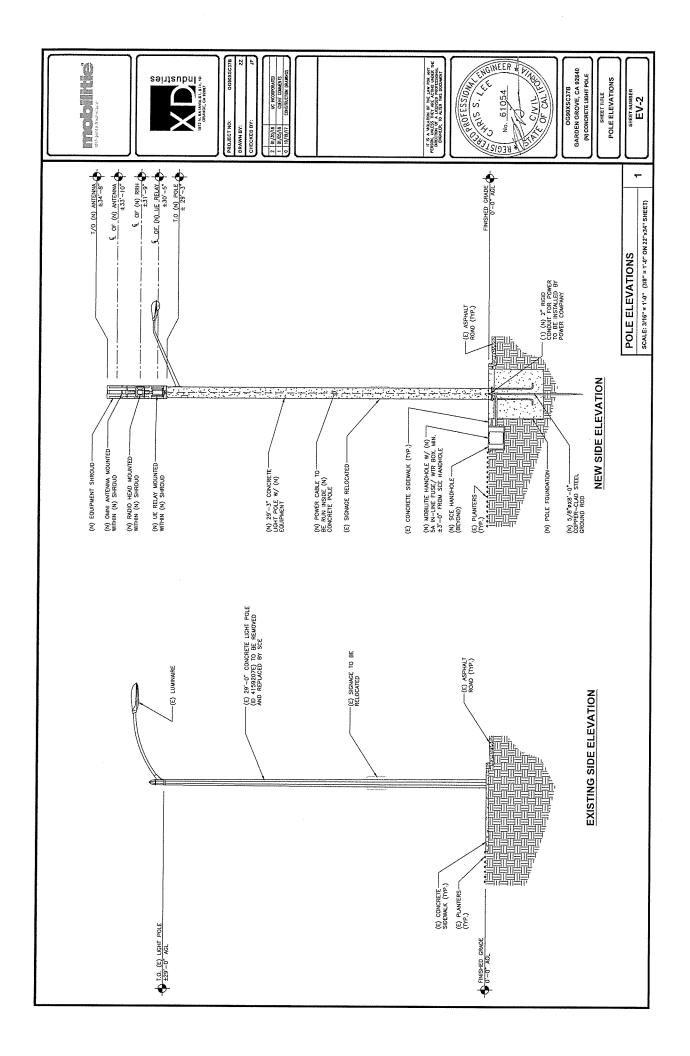
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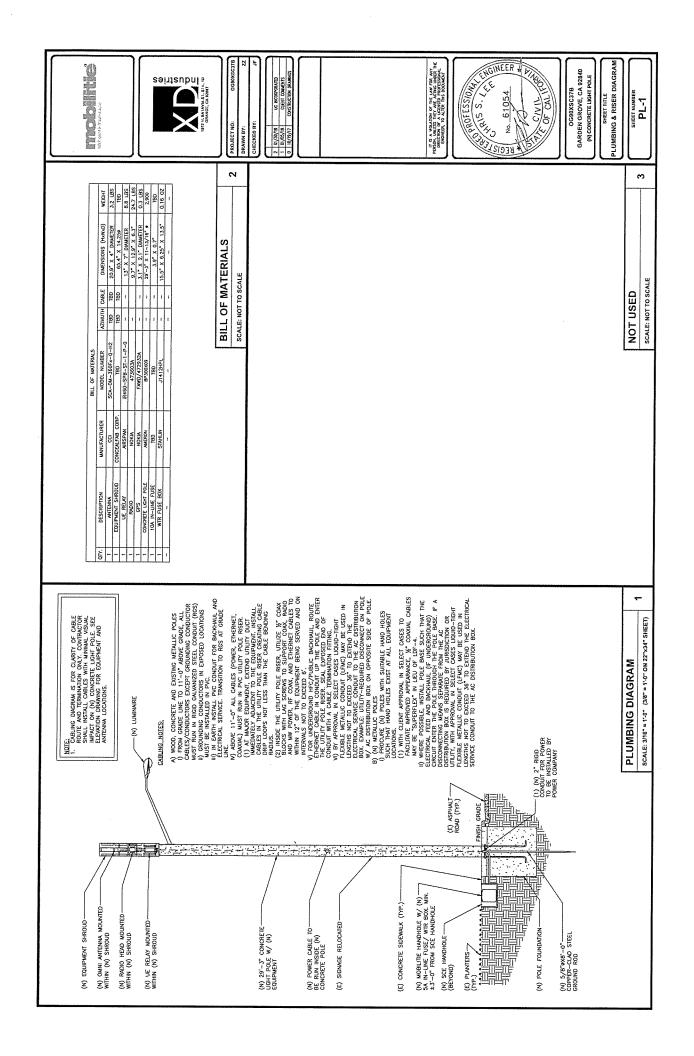
MAP DATA @ 2016 GOOGLE

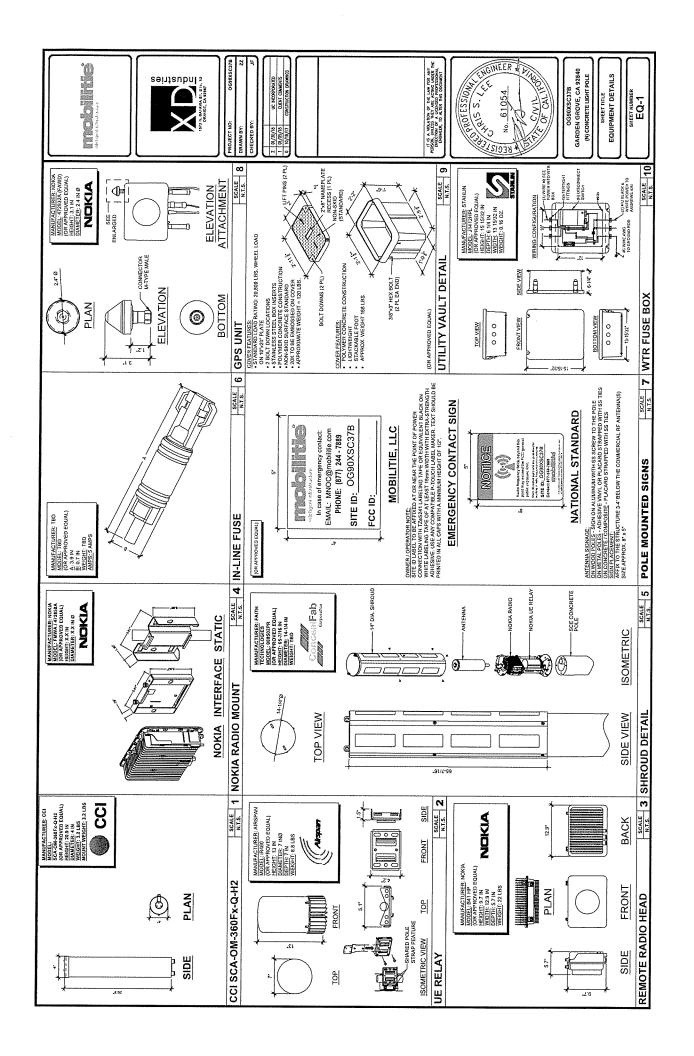












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intelligent infrastructure

SITE ID-CANDIDATE LETTER/CASCADE ID-CANDIDATE LETTER:

CAB012268D/OG90XSC36I STREETLIGHT ID/STRUCTURE NUMBER: 1315929E

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

33.78425700/-117.89761

13472 GREENTREE AVE

GARDEN GROVE, CA 92840

VICINITY MAP

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SITE INFORMATION

PROJECT DESCRIPTION

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SHEET TITLE	TILE SHEET	GENERAL NOTES	GENERAL NOTES	GENERAL NOTES	EXHIBIT PHOTO & SITE PLAN	OVERALL SITE PLAN	POLE ELEVATIONS	POLE ELEVATIONS	PLUMBING & RISER DIAGRAM	EQUIPMENT DETAILS	POLE SPECIFICATIONS	EXCAVATION DETAILS	ELECTRICAL	GROUNDING	VEHICULAR TRAFFIC CONTROL PLAN		
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XD\_INDUSTRIES 1572 N. BATAWA ST. SUITE 1D (714,) 947-3093 ORANGE, CA 92876 PROJECT NUMBER: 9CAB012288D

ENGINEER

MOBILITE, LLC.
2935 RED HILL ANENUE, STE. 200,
COSTA MESA, CA 92626
CONTACT: BARBLAR, BREEDEN
PHONE: 949–524–7399
EMAIL: barbarts, breeden@mobilitie.com

S. LEWIS ST. & GREENTREE AVE.

-117.89761100

0G90XSC36D 33.78425700

CASCADE ID: LONGITUDE: LATTUDE SITE ID:

CARDEN GROVE, CA 92840 CITY OF CARDEN GROVE PUBLIC RIGHT-OF-WAY

CITY, STATE, ZIP: CROSS STREET:

ORANGE COUNTY

PROPERTY OWNER:

CONTRACTORS SHALL VERIFY ALL PLANS, (E) DIMENSIONS & FIELD CONDITIONS ON THE JOBS STEE & SHALL IMMENTARIN NORTHY THE ARCHITECT/ENGINEER IN WARTING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

DO NOT SCALE DRAWINGS

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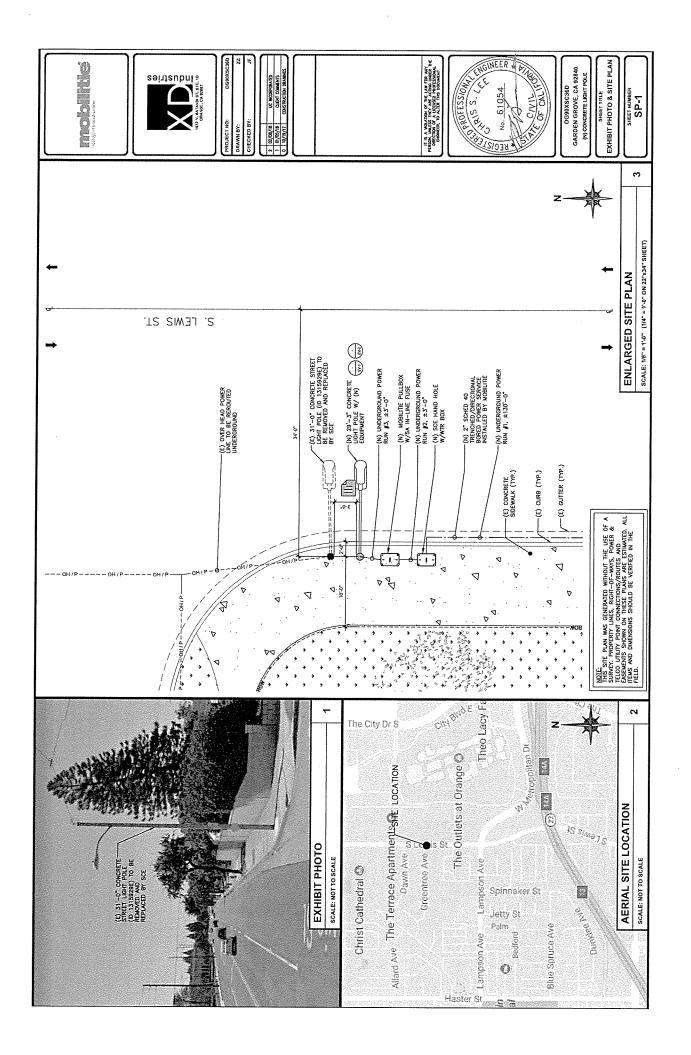
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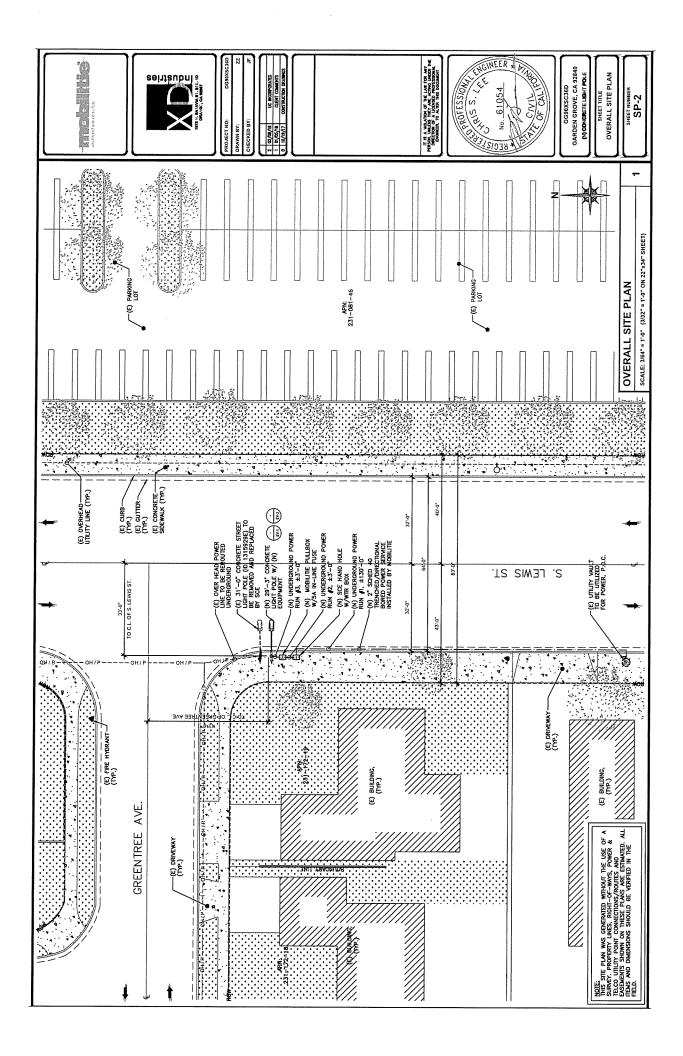
GENERAL ORDER 95 2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE TA/EM-222-G-2 OR LATEST EDITION LOCAL BUILDING/PLANNING CODE

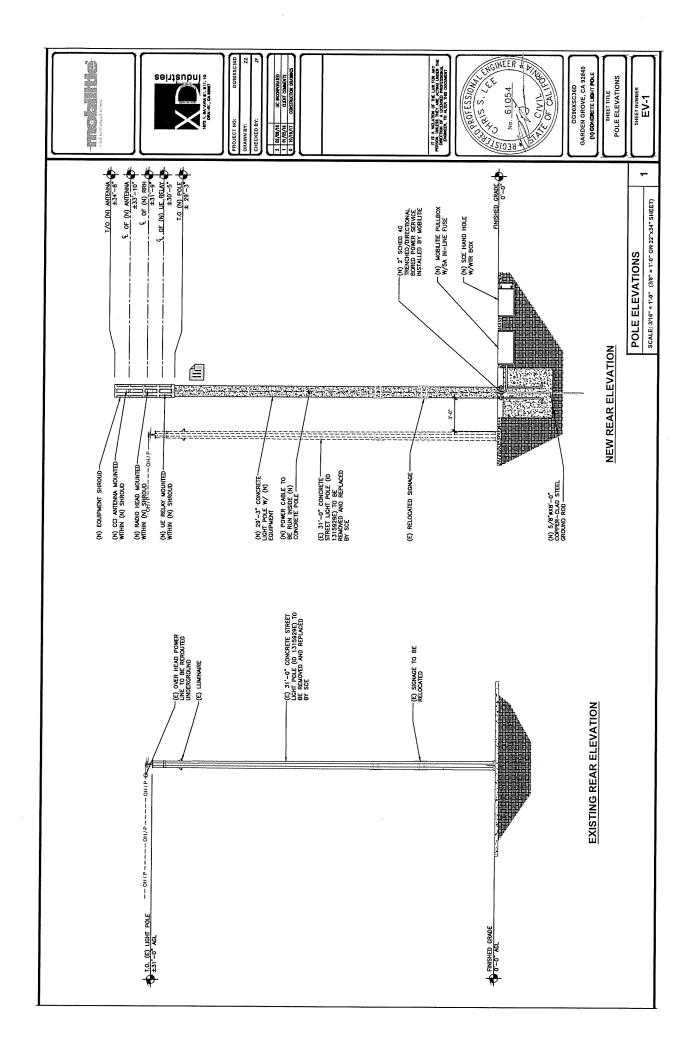
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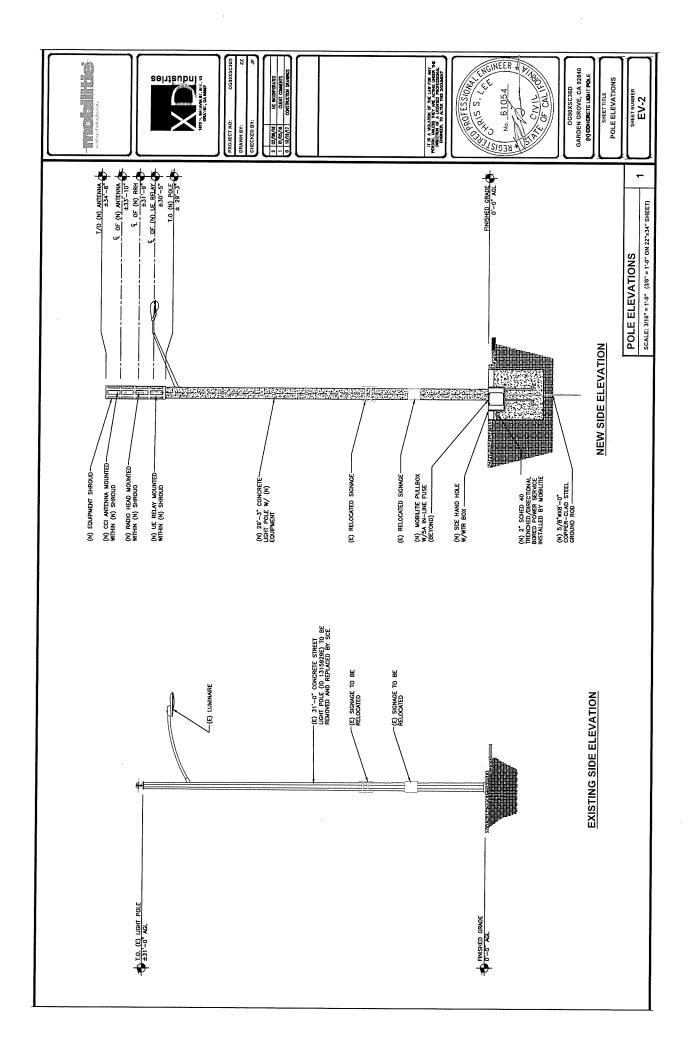
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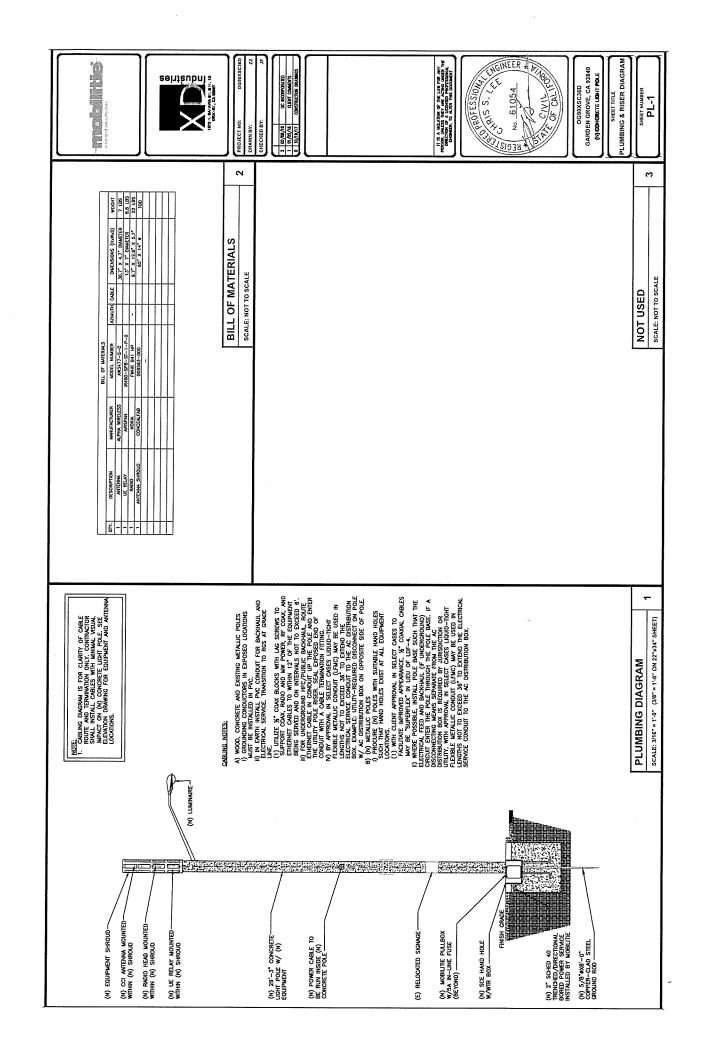
MAP DATA @ 2016

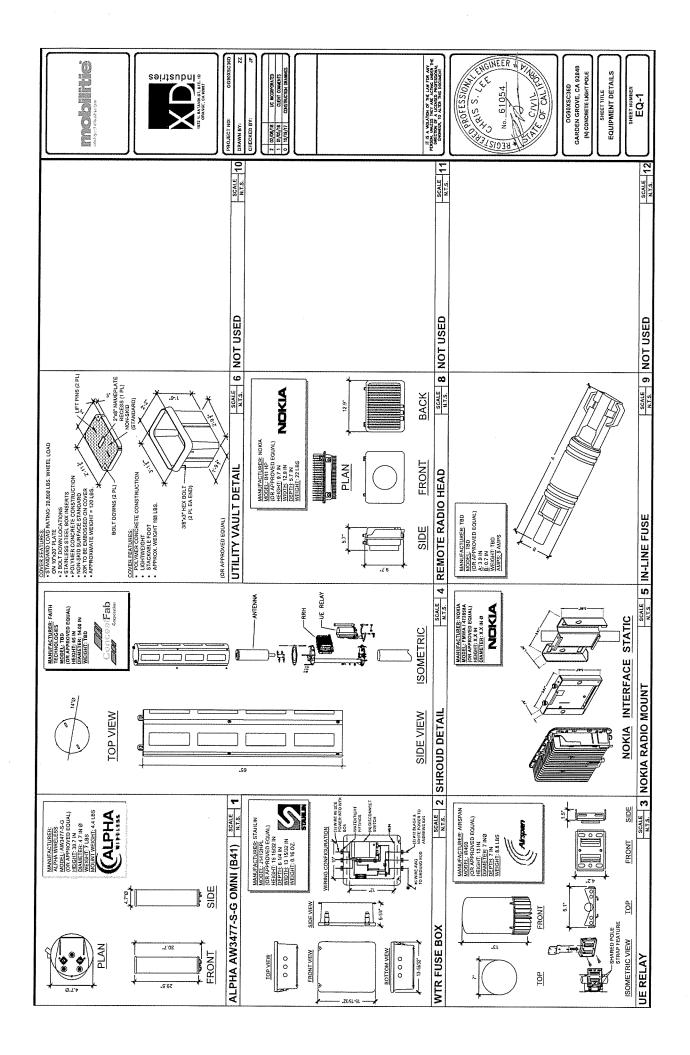












intelligent infrastructure SITE ID-CANDIDATE LETTER/CASCADE ID-CANDIDATE LETTER: 9CAB012323C/OG90XSC91C

STREETLIGHT ID/STRUCTURE NUMBER: 1288509E

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

33.77600200/-117.912191

NEAREST ADDRESS: CHAPARRAL DR 12861 (

GARDEN GROVE, CA 92840

VICINITY MAP

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PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL EQUIPMENT ON A REPLACEMENT CONCRETE POLE WITHIN AN EXISTING RIGHT-OF-WAY, THE SCOPE WILL CONSIST OF THE FOLLOWING; - INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON REPLACEMENT STREELLIGHT.
- SCE. CONTRACTOR SHALL INSTALL NEW CONCRETE STREELLIGHT AND HANDHOLE.

CODES

GENERAL ORDER 95 2015 INTERNATIONAL BUILDING CODE 2014 INTRONAL ELECTRICAL CODE TA/EM-222-G-2 OR LATEST EDITION LOCAL BUILDING/PLANNING CODE

DRAWING INDEX

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GENERAL NOTES

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SITE	SITE INFORMATION
SITE 10:	9CAB012323C
CASCADE ID:	OG90XSC91C
гушле:	33.77600200
LONGITUDE:	-117.91219100
CROSS STREET:	CHAPARRAL DR. & ASPENWOOD LN.
CITY, STATE, 2IP:	GARDEN GROVE, CA 92840
COUNTY:	ORANGE COUNTY
JURISDICTION:	CITY OF GARDEN GROVE
PROPERTY OWNER:	PUBLIC RIGHT-OF-WAY
APPLICANT:	MOBILITIE LIC 2955 RED HILL AVENUE, STE. 200, COSTA MESA, CA 92626 CONTACT: BARBAKE BREEDEN
	FROME: (349) 524-7339 EMAIL: barbarg.breeden@mobilitie.com

XD\_INDISTRIES JOSE FRAS 1757 N. BATWA ST. SUITE 10 (714) 947-3093 0FWIGE, CA 92876 PROJECT NUMBER: 9CAB012323C ENGINEER

DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, (E) DIMENSIONS & FIELD CONDITIONS ON THE JOS STEE & SHALL IMMEDIATELY NORTHY THE ARCHITECT/ENGINEER IN WARTING OF ANY DISCREDANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

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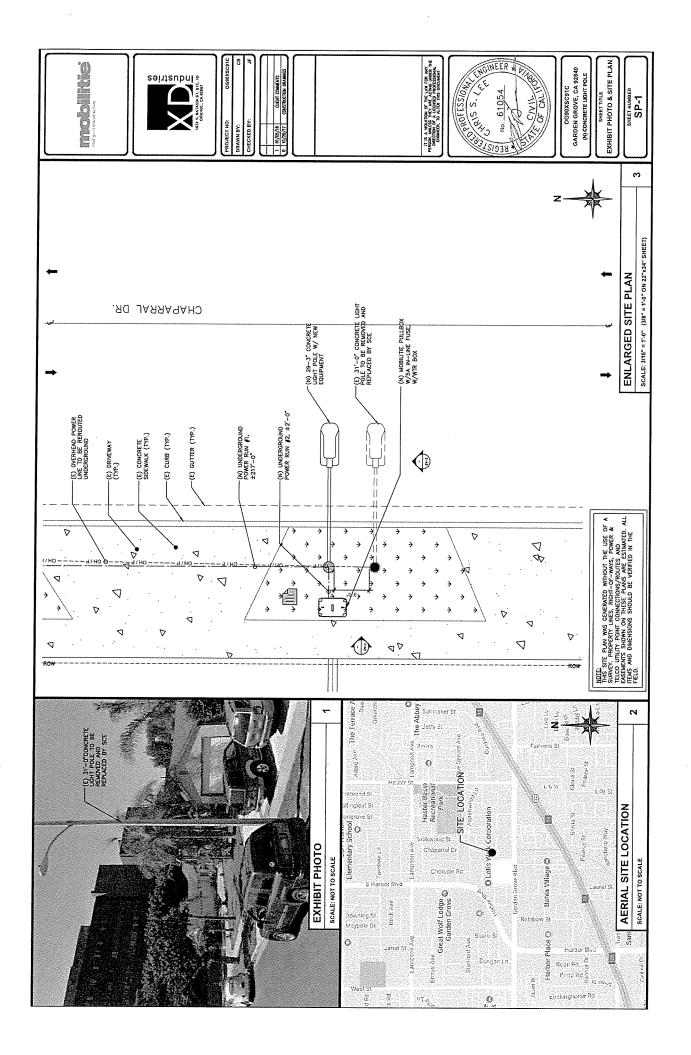
GARDEN GROVE, CA 92840

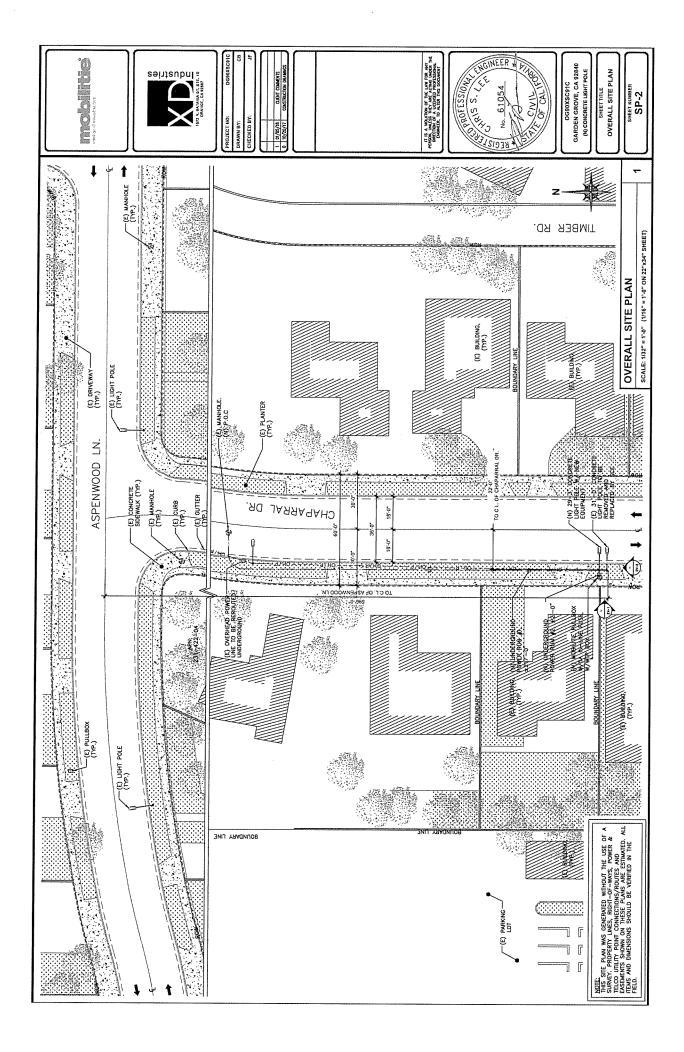
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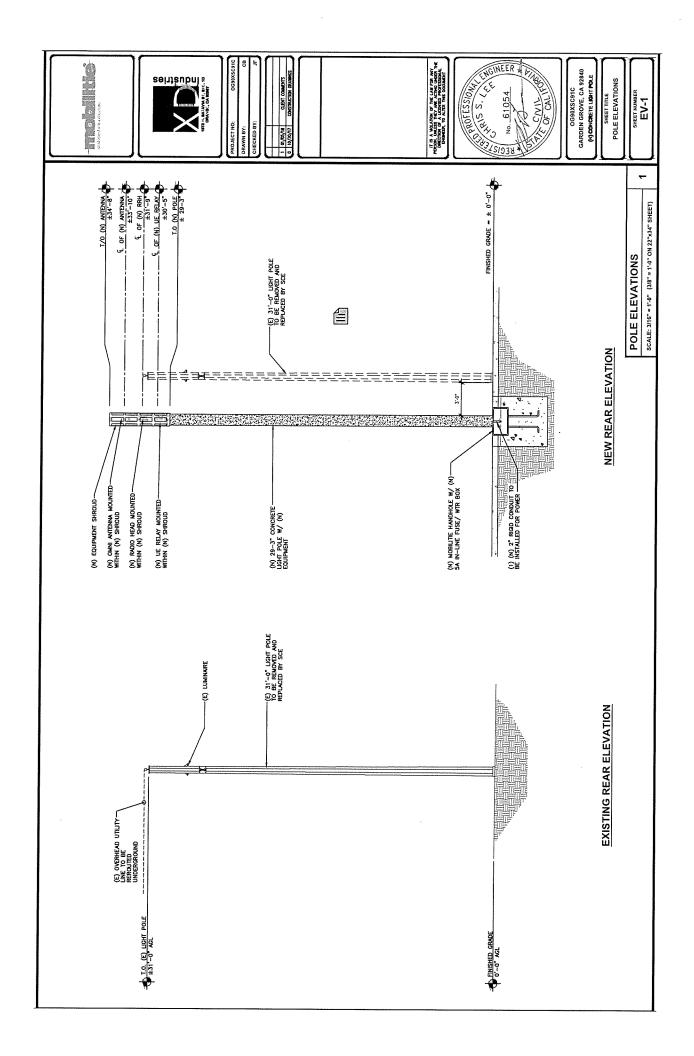
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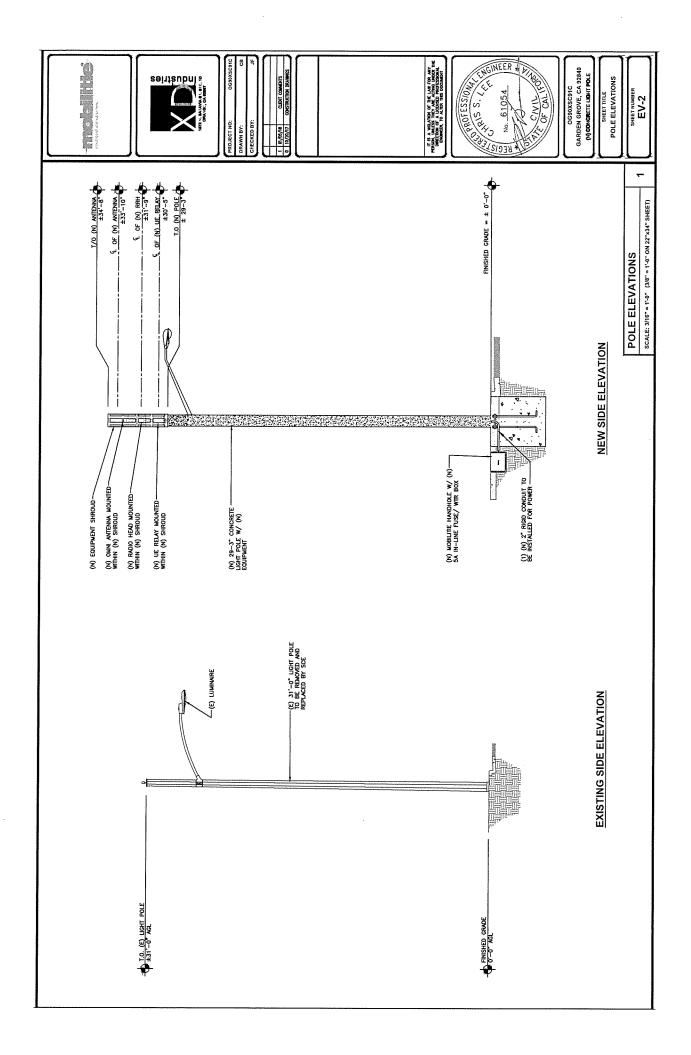
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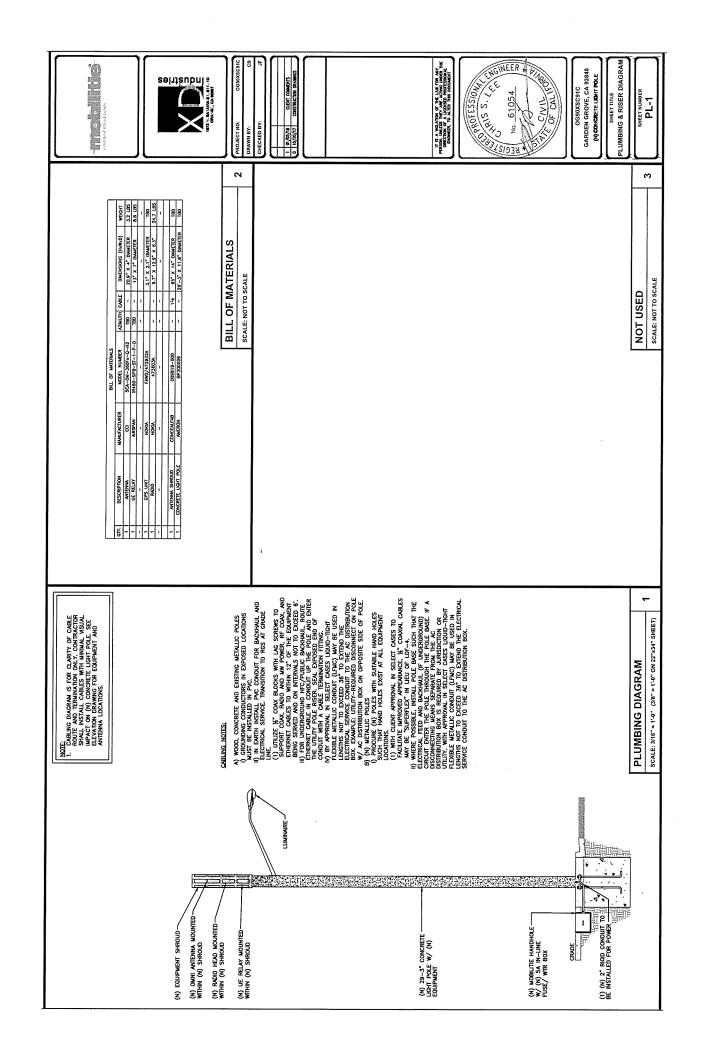
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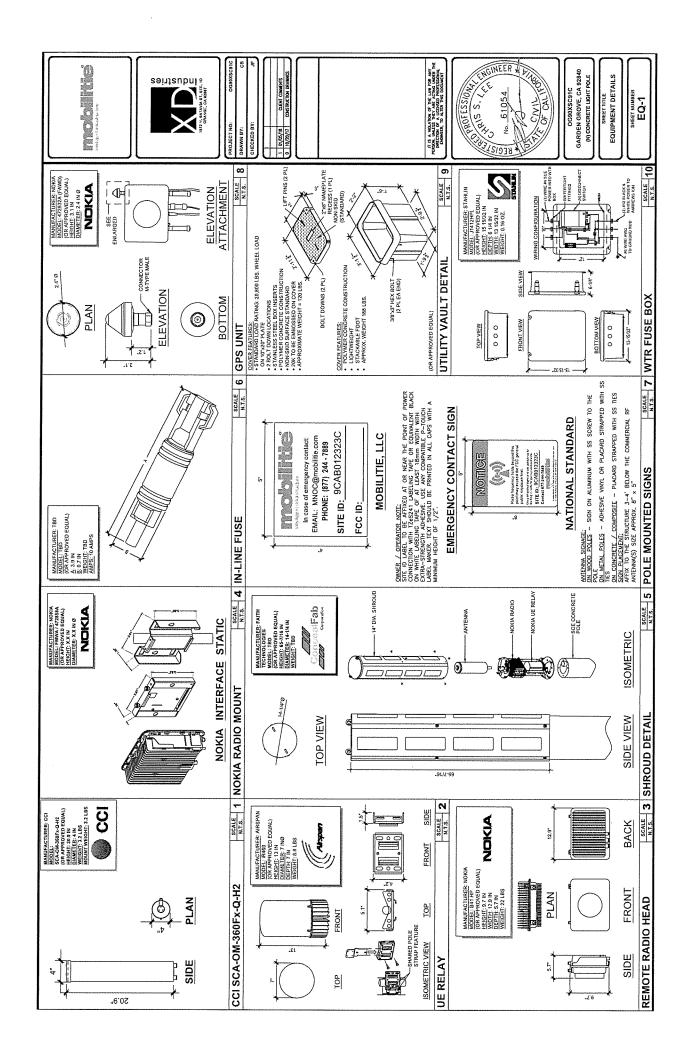












#### RESOLUTION NO. 5930-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-139-2018, FOR INSTALLATION OF SIX (6) SMALL WIRELESS TELECOMMUNICATION FACILITIES WITHIN THE CITY OF GARDEN GROVE PUBLIC RIGHT-OF-WAY AT VARIOUS LOCATIONS THROUGHOUT THE CITY.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 6, 2018, does hereby approve Conditional Use Permit No. CUP-139-2018, for the installation of six (6) small wireless telecommunication facilities and related equipment and improvements within the City of Garden Grove public right-of-way at various locations throughout the City.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-139-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

- 1. The subject case was initiated by Sprint, LLC ("Applicant"). The Applicant is requesting Conditional Use Permit (CUP) approval to allow for the installation and operation of six (6) Citywide small wireless telecommunication facilities disguised as street light poles, along with related below-grade or internally concealed meters, attached equipment, and site improvements. The existing street light poles in the City's public right-of-way are owned by Southern California Edison. The street lights will be removed and replaced with the new street light poles. All poles will include small wireless telecommunication facilities.
- 2. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Reg., Section 15301) and Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
- 3. The properties on which the facilities will be installed have General Plan Land Use designations of Low Density Residential, Low Medium Density Residential, Medium Density Residential, and Civic/Institutional, and are zoned R-1 (Single-Family Residential), R-3 (Multiple-Family Residential, and PUD (Planned Unit Development). The sites are improved as the City of Garden Grove public right-of-way.
- 4. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject properties have been reviewed.
- 5. The report submitted by City Staff was reviewed.
- 6. Pursuant to a legal notice, a public hearing was held on September 6, 2018, and all interested persons were given an opportunity to be heard.

7. The Planning Commission gave due and careful consideration to the matter during its meeting of September 6, 2018.

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

# FACTS:

The subject sites are parkways located within the City's public right-of-way at various citywide locations. The subject sites are improved with existing street light poles that are owned and operated by Southern California Edison.

The subject sites are zoned in R-1 (Single-Family Residential), R-3 (Multiple-Family Residential, PUD (Planned Unit Development), and have General Plan Land Use Designations of Low Density Residential, Low Medium Density Residential, Medium Density Residential, and Civic/Institutional. Below is a street light pole table that provides information on ownership, pole management, location, site identification, pole identification, pole type, and luminaire.

OWNER/ POLE MANAGEMENT	I	PROXIMITY	CODE	SCE POLE ID	POLE TYPE/ LUMINAIRE
Southern California Edison	1.	Public right-of-way, west side of Gilbert Street, between Chapman Avenue and Allwood Avenue	OG90XSA71C	2159372E	Street Pole/ Single
Southern California Edison	2.	Public right-of-way, south side of Chapman Avenue, between Haster and Bayport Street	OG90XSB16C	2061819E	Street Pole/ Single
Southern California Edison	3.	Public right-of-way, south side of Chapman Avenue, between North Jetty Drive and Lewis Street	OG90XSB17C	2061825E	Street Pole/ Single
Southern California Edison	4.	Public right-of-way, west side of Lewis Street, between Greentree Avenue and Lampson Avenue	OG90XSC36D	1315929E	Street Pole/ Single
Southern California Edison	5.	Public right-of-way, west side of Lewis Street, between Chapman Avenue and Dawn Avenue	OG90XSC37B	4159207E	Street Pole/ Single
Southern California Edison	6.	Public right-of-way, west side of Chaparral Drive, south of Aspenwood Lane	OG90XSC91C	1288509E	Street Pole/ Single

Sprint is proposing to install and operate six (6) Citywide small wireless telecommunication facilities disguised as street light poles along with related belowgrade or internally concealed meters, attached equipment, and site improvements.

## Street Light Poles - Existing

All six (6) small wireless telecommunication facilities will consist of a directly installed canister antenna approximately two-feet (2'-0'') tall, remote radio units, power supply units, a surge protection device, and a ground bar attached to the top of the new light pole concealed by a 5'-5" shroud, along with a below-grade or internally concealed meter, as well as other related equipment. All proposed new street light poles will include a visible radio frequency and site identification placard. The luminaire design and LED light will be consistent with the City's luminaire replacement program.

The proposed new street light poles will be erected within a few feet of the existing street light poles. The existing poles being removed will include any related equipment, sub-structure, and concrete foundation. The existing foundation trench will be back-filled with clean fill, compacted, and completed with a finish surface to match the existing surroundings.

#### FINDINGS AND REASONS:

1. The proposed use will be consistent with the City's adopted General Plan.

The Applicant is proposing to install and operate small wireless telecommunication facilities within the public right-of-way to complement and supplement the broader macro cell facilities. The facilities will fill gaps in coverage and provide increased network capacity, ensure connectivity, and meet the demand for those heavily populated areas by using an 'existing facility' use subject to a Conditional Use Permit. General Plan Land Use Element Policy LU-1.10 promotes future patterns of urban development and the better use of existing and planned public facilities. With the Conditional Use Permit request, the Applicant is proposing to meet the future needs of the City in a manner consistent with this policy. The proposed request will create an environment and a use that is consistent with the goals of the General Plan provided that the operation of the facilities complies with the conditions of approval.

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. The conditions of approval will minimize potential impacts to the adjoining 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 in the area.

Additionally, 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. The street light poles will be designed to match the City's existing street light poles appearance in order to mitigate any potential aesthetic impacts. Telecommunication facilities are conditionally permitted in the R-1 (Single-Family Residential), R-3 (Multiple-Family Residential, and PUD (Planned Unit Development) zones.

Finally, the use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval will ensure the public health, safety, and welfare. The antennas and equipment are required to adhere to all FCC regulations prohibiting such facilities from interfering with public safety. Therefore, the project will not create a menace to the public health, safety, or welfare.

3. That the proposed sites are 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 Applicant is proposing to install and operate six (6) new Citywide small wireless telecommunication facilities within the existing public right-of-way locations. Currently, all six (6) subject locations provide the necessary square footage to accommodate and support a street light pole. The proposed locations are all sized and shaped to accommodate and support the new pole's structural foundation, pole diameter, height, along with any related equipment. The public right-of-way is equipped with the necessary infrastructure to operate the proposed small wireless telecommunication facilities.

The poles with existing luminaires will be designed with new luminaires and LED lights that will be consistent with the City's luminaire replacement program. Lastly, the Applicant proposed request features and the new small wireless telecommunication facilities disguised as functioning street light poles integrate with the uses in the surrounding area.

4. That the proposed sites are 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 subject sites are located along, and are adequately served by, principal, major, primary, or secondary arterials or local residential streets and are accessible from the public right-of-way. The subject sites are also adequately served by the necessary electric utilities and other public service facilities required.

# INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Conditional Use Permit (CUP-139-2018) possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
- 2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-139-2018.

#### **EXHIBIT "A"**

#### Conditional Use Permit No. CUP-139-2018

City of Garden Grove Public Right-of-Ways

#### **CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS**

- 1. The applicant shall submit a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval No. CUP-139-2018," as prepared by the City Attorney's Office, within thirty (30) days of approval. This Conditional Use Permit runs with the land and is binding upon the applicant, his/her/its heirs, assigns, and successors in interest.
- 2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "Applicant" shall mean and refer to the project applicant, Sprint, LLC, the owner(s) and operators(s) of the wireless telecommunication facilities, and each of their respective successors and assigns, including all subsequent purchasers and/or operators of the wireless telecommunication facilities. The Applicant shall adhere to the Conditions of Approval for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission, except as otherwise provided herein.
- 3. This Conditional Use Permit only authorizes the operation of six (6) small wireless telecommunication facilities in the City's public right-of-way as identified on the site plan, elevations, and detail plans reviewed by the Planning Commission at the public hearing. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
- 4. Minor modifications to the approved site plan, elevations, detailed plans 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 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.
- 5. All Conditions of Approval shall be implemented at the Applicant's expense, except where specified in the individual condition.

# **Business License Division**

6. Applicant shall ensure that all contractors and subcontractors have a valid business license to do business in the City of Garden Grove.

# **Police Department**

- 7. In order to facilitate the City's rules regarding the regulation, placement, and construction and operation of the Wireless Communication Facilities ("WCF"), and their interaction with, the City's Public Safety Communications Equipment, the Applicant and all successors shall agree as follows:
  - a. The Applicant recognizes that the frequencies used by the WCF located in the City of Garden Grove public right-of-way may be close to the frequencies used by the City of Garden Grove for public safety. This proximity will require extraordinary "comprehensive advanced planning frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public-Safety Communications Officials-International, Inc. (APCO) and as endorsed by the Federal Communications Commission (FCC). Applicant shall comply with such Good Engineering Practices as may be amended from time to time by the FCC in its Rules and Regulations and shall comply with all FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
  - b. In the event the WCF is identified as causing radio frequency interference with the City's Public Safety Communications Equipment, the following steps shall be taken:
    - i. Upon notification by the City of interference with Public Safety Communications equipment, the Applicant shall utilize the hierarchy and procedures set forth in the Best Practices Guide. If the Applicant fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take such steps under law, including the initiation of appropriate proceedings with the FCC, to eliminate the interference.
    - ii. If there is a determination of radio frequency interference with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for reimbursing the City for all costs associated with ascertaining and resolving the

interference, including, but not limited to, any engineering studies obtained by the City to determine the source of the interference.

- 8. The Applicant shall provide a 24-hour phone number to which interference problems can be reported. This condition will also apply to all existing facilities operated by the provider in the City of Garden Grove.
- 9. The Applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and e-mail address of that person shall be provided to the City's designated representative upon activation of the facility.
- 10. The Applicant shall ensure that any lessee or other users of the WCF shall comply with the terms and conditions of this permit and the Applicant shall be responsible for the failure of any lessee or other users under the control of the Applicant to comply.

# **Fire Department**

- 11. The Applicant shall provide the appropriate Fire Department notes on the building plans that will be submitted to Building and Safety Division for plan check review.
- 12. The Applicant shall complete a Fire Department Hazardous Materials packet, and submit a copy to the City with the initial plan check submittal packet.
- 13. The Applicant and subsequent operator(s) shall place and display a hazardous materials placard(s)/sign(s), to NFPA 704 Standards, on the access to the below-grade equipment, wireless telecommunication facility and/or new street light pole.

# **Public Works - Engineering Division**

- 14. The Applicant shall obtain an encroachment permit from the City prior to any construction in the public right-of-way.
- 15. Permit fees shall be calculated based on the current fee schedule at the time of permit issuance.
- 16. Any required lane closures should occur outside of peak travel periods.
- 17. The Applicant shall submit traffic lane closure permits along with a vehicular traffic control plan for approval.

Conditional Use Permit No. CUP-139-2018 Conditions of Approval

- 18. The Applicant shall remove the old poles or fixtures that no longer provide any service as well as any related equipment, sub-structure, and concrete foundation.
- 19. No at or above-ground meters and/or equipment shall be placed on the City of Garden Grove public right-of-way.
- 20. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.
- 21. New utilities shall have a minimum two-foot (2'-0") horizontal clearance from driveway approaches and curbs.

# **Public Works - Traffic Division**

22. The Applicant shall submit plans and pole specifications to include the material of the pole for Public Works Traffic Division approval.

# **Public Works – Water Division**

- 23. New utilities shall have a minimum five-foot (5'-0'') horizontal and a minimum one-foot (1'-0'') vertical clearance from water main and appurtenances.
- 24. Any new or existing water valve located within new concrete sidewalk improvements shall be reconstructed per City Standard B-753.
- 25. Any existing meter and services that need to be relocated within the project area shall be relocated at Applicant's expense.

### **Building and Safety Division**

- 26. The Applicant shall comply with all current California Building Codes, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code.
- 27. The Applicant shall submit plans for Building and Safety Division approval.
- 28. The Applicant shall submit foundation and anchorage design calculations for Building and Safety Division approval.

- 29. The Applicant shall submit concrete pole design calculations including the additional weight of the proposed antenna for Building and Safety Division approval.
- 30. The Applicant shall submit design and connection details of attachments of antenna to new concrete pole for Building and Safety Division approval.
- 31. The Applicant shall ensure that all sheets of plans be stamped and signed by a registered design professional.

# **Planning Services Division**

- 32. The Applicant shall be responsible for maintenance and up-keep of the wireless telecommunication facilities.
- 33. The Applicant shall be responsible for maintaining free from graffiti, debris, and litter, those areas of the sites on which the wireless telecommunication facilities are installed on, and over, which Applicant has control. Graffiti shall be removed within 120 hours of notification/application.
- 34. The wireless telecommunication facilities authorized by this approval shall be designed and constructed consistent with the site plan, elevations, and detail plans submitted by the Applicant and reviewed by the Planning Commission in conjunction with its approval of Conditional Use Permit No. CUP-139-2018. Subject to the foregoing, a general description of the facilities is as follows:
  - Six (6) antenna structures will be designed and disguised as new street light poles that will have a pole height of 29'-3" with an ultimate height to the top of the antenna of 34'-8" from finish grade. Each proposed new small wireless telecommunication facility will consist of a directly installed canister antenna approximately two-feet (2'-0") tall, remote radio units, power supply units, a surge protection device, and a ground bar attached to the top of the new light pole concealed by a 5'-5" shroud, along with a below-grade or internally concealed meter, as well as other related equipment. All new street light poles will include a visible radio frequency and site identification placard.

In order to maintain the street light pole appearance, the following conditions shall apply:

- a. The street light poles shall match the existing street light pole colors.
- b. All attached equipment (i.e., antenna, shroud, remote radio units, power supply units, mounting equipment, and other attached equipment) shall be factory painted to match the new street light pole's color.

- c. The luminaire design and LED lights shall be consistent with the City's luminaire replacement program.
- d. There shall be no climbing pegs on the street light or wood utility poles below a height of 15'-0", except when temporarily installed to service the antennas.
- e. All new street light and wood utility poles shall include a visible radio frequency and site identification placard.
- 35. The Applicant shall submit a material sample of the colors to the Planning Services Division for review and approval as part of the plan check submittal application.
- The Conditional Use Permit (CUP) grants the right to the Applicant to 36. construct and use a telecommunication facility at the locations described in the submitted site plan. The City, however, has concerns about the potential adverse aesthetic and other health and safety impacts of the antennas, and utility and/or mechanical equipment on the surrounding community. It is possible that future technological improvements may make the proposed telecommunication facilities unnecessary or obsolete outdated aesthetically, therefore, the particular antenna and related equipment shall be reviewed ten (10) years from the date of this approval. At that time, the telecommunication provider operating the facilities shall agree to, and update, each facility as may be required by the Community and Economic Development Director or his/her designee in accordance with applicable law.
- 37. The City reserves the right to periodically reevaluate the antennas, and utility and/or mechanical equipment in terms of the continued need for these structures in their current size, height, and configuration, and the actual impacts on the neighborhood, community, and environment.
- 38. The City reserves the right to require an administrative review for compliance with the conditions of approval at any time.
- 39. In order to address concerns regarding radio emissions, the following conditions shall be complied with:
  - a. Radio frequency emissions from the WCF shall not exceed the radio frequency emission guidelines of the Federal Communication Commission (FCC) as such guidelines may be amended from time to time.
  - b. Prior to January 1, 2018, and each January 1<sup>st</sup> thereafter, the operator of the WCF shall file with the City of Garden Grove Community and Economic Development Department for approval, a certification of compliance prepared by an independent third party, qualified to measure radio frequency emissions.

- 40. In the event that the wireless telecommunication facilities are abandoned or their use is discontinued, the Applicant shall remove all improvements within sixty (60) days of abandonment or discontinuance of the use, whichever occurs first.
- 41. The Applicant shall replace the dead sod or ground cover areas in the City parkway landscape areas in which the wireless telecommunication facilities are located with new sod or ground cover and ensure that the irrigation system is operating to ensure landscape maintenance.
- 42. The Applicant shall ensure that the existing foundation trench be back-filled with clean fill, compacted, and completed with a finish surface to match the existing surroundings.
- 43. Hours and days of construction shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.010, referred to as the Noise Control Ordinance.
- 44. There shall be no other antennas or mechanical equipment installed on the street light poles without obtaining approval from the Planning Services Division.
- 45. During construction, if paleontological or archeological resources are found, all attempts shall be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.
- 46. A copy of the Resolution No. 5930-18 approving Conditional Use Permit No. CUP-139-2018 shall be kept at the local Sprint Offices at all times and be made available upon request by City Staff and/or Police Department.
- 47. It shall be the Applicant's responsibility to verify that any building or site improvements do not cross over, encroach into, or cause issue with any recorded easements on the subject property or the adjacent properties.
- 48. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the rights granted by this approval of Conditional Use Permit No. CUP-139-2018 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.
- 49. The Applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action

concerning CUP-139-2018. 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.

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