



A G E N D A

GARDEN GROVE PLANNING COMMISSION

SPECIAL MEETING

JANUARY 12, 2017

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

REGULAR SESSION – 7:00 P.M. - 'B' ROOM

ROLL CALL: VICE CHAIR KANZLER  
COMMISSIONERS BARKER, NUYGEN, PAREDES, ZAMORA

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 B Room 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: December 1, 2016
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
  - C.1. SITE PLAN NO. SP-032-2016

APPLICANT: TD/PH & D COMPANY, INC.

LOCATION: NORTH SIDE OF WESTMINSTER AVENUE, WEST OF  
TAFT STREET AT 10691 WESTMINSTER AVENUE

REQUEST: Site Plan Approval to construct a new approximately 3,000 square foot one-story building, for the operation of a retail meat market,

on a vacant 13,259 square foot lot, located at 10691 Westminster Avenue (APN: 099-504-44), along with associated improvements, which include a parking lot and landscaping. The site is in the C-1 (Neighborhood Commercial) zone. This project is exempt pursuant to CEQA Section 15303 – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-032-2016.

D. MATTERS FROM COMMISSIONERS

E. MATTERS FROM STAFF

F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION  
B Room, Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes  
Thursday, December 1, 2016

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair O'Neill  
Vice Chair Kanzler  
Commissioner Barker  
Commissioner Margolin  
Commissioner Nuygen  
Commissioner Paredes  
Commissioner Zamora

Absent: Margolin

PLEDGE OF ALLEGIANCE: Led by Chair O'Neill.

ORAL COMMUNICATIONS – PUBLIC – None.

November 3, 2016 MINUTES:

Action: Received and filed.

Motion: Zamora Second: Barker

Ayes: (6) Barker, Kanzler, Nuygen, O'Neill, Paredes, Zamora

Noes: (0) None

Absent: (1) Margolin

PUBLIC HEARING – SITE PLAN NO. SP-031-2016 AND DEVELOPMENT AGREEMENT NO. DA-004-2016. FOR PROPERTY LOCATED AT 9691 BIXBY AVENUE, NORTH SIDE OF BIXBY AVENUE, EAST OF GILBERT STREET.

Applicant: Bryson Nguyen  
Date: December 1, 2016

Request: Site Plan Approval to construct a 10-unit, two-story apartment complex with a 20% affordable housing density bonus for "low-income" families. Pursuant to State Density Bonus Law, the applicant requests two (2) waivers from the R-3 Zone development standards – (1) residential units within ten (10) feet of a drive aisle; and (2) residential units within fifteen (15) feet of guest parking areas. A Development Agreement and

a Density bonus Housing Agreement are also proposed. The site is in the R-2 (Limited Multiple-Family Residential) zone. This project is exempt pursuant to CEQA Section 15332 – In-Fill Development Projects.

Action: Public Hearing held. Speaker(s): Tony Le, Michael Torres, Tom Leonard

Action: Resolution Nos. 5872-16 and 5873-16 were denied by a 3-3 vote. A 53 signature petition in opposition of the request was submitted by Michael Torres on behalf of the neighborhood residents regarding traffic and parking issues.

Motion: Zamora Second: Paredes

Ayes: (3) Kanzler, Paredes, Zamora

Noes: (3) Barker, Nuygen, O'Neill

Absent: (1) Margolin

MATTERS FROM COMMISSIONERS: Chair O'Neill mentioned that he would be a City Council member as of December 13<sup>th</sup> and that serving on the Planning Commission was an honor as he loved the opportunity to serve the City.

MATTERS FROM STAFF: Staff thanked Chair O'Neill for his service and looked forward to his role on the City Council. Staff then added that the next regular Planning Commission meeting would be cancelled; that the Holiday Dinner would be Thursday, December 15<sup>th</sup>; that the January 5<sup>th</sup> meeting would be cancelled; that a special Planning Commission meeting would occur on Thursday, January 12<sup>th</sup>; that the regular schedule would resume in February and include Study Sessions regarding State Law changes; and that the current Commissioners were to remain seated until noted otherwise.

Karl Hill, the City's Planning Services Manager, stated that he would be retiring at the end of the month after 31 years of service, and added that it was a pleasure to work with the Planning Commission.

ADJOURNMENT: At 7:46 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, December 15, 2016, at 7:00 p.m. in the B Room of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion: O'Neill Second: Zamora

Ayes: (6) Barker, Kanzler, Nuygen, O'Neill, Paredes, Zamora

Noes: (0) None

Absent: (1) Margolin

---

Judith Moore  
Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> North side of Westminster Avenue, west of Taft Street, at 10691 Westminster Avenue
<b>HEARING DATE:</b> January 12, 2017	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NO.:</b> Site Plan No. SP-032-2016	<b>ZONE:</b> C-1 (Neighborhood Commercial)
<b>APPLICANT:</b> TD/PH&D Company, Inc.	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER(S):</b> Thai Nguyen	<b>APN:</b> 099-504-44

**REQUEST:**

A request for Site Plan approval to construct a new approximately 3,000 square foot one-story building, for the operation of a retail meat market, on a vacant 13,259 square foot lot, located at 10691 Westminster Avenue (APN: 099-504-44), along with associated improvements, which include a parking lot and landscaping.

**BACKGROUND:**

The subject property is currently a 13,259 square foot vacant lot, located on the north side of Westminster Avenue, just west of Taft Street. The property has a General Plan Land Use Designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). The subject property is adjacent to C-1 zoned properties to the east, and to the south, across Westminster Avenue, and R-1 (Single-Family Residential) zoned properties to the west and north.

The property was previously improved with an approximately 1,800 square foot freestanding pad building, which was in operation as a coffeehouse establishment. According to business license records, the prior building was in operation as a restaurant and coffeehouse since 1993. In May of 2015, the property owner, Thai Nguyen, obtained a demolition permit to demolish all existing improvements, which included the existing building and the parking lot. The site is now currently unimproved and vacant.

The proposed construction, of the new approximately 3,000 square foot building and operation of a new retail meat market, is part of an effort to relocate the property owner's current retail meat market business, California Sausage #2, which is currently located in the City of Garden Grove, at 12821 Harbor Boulevard H-1A.

**DISCUSSION:**

SITE PLAN:

Site Design, Circulation & Floor Plan:

The proposal involves the construction of a new approximately 3,000 square foot one-story pad building, for a retail meat market operation. The development standards of the C-1 zone specify a minimum 20'-0" front setback, along Westminster Avenue, a minimum 10'-0" interior side setback, along the westerly property line (abuts an R-1 zoned property), a minimum 10'-0" rear setback, along the northerly property line (abuts an R-1 zoned property), and a 0'-0" interior side setback, along the easterly property line. The placement of the building complies with the setbacks of the C-1 zone by providing a 114'-4" front setback, along Westminster Avenue, a 10'-0" interior side setback, along the westerly property line, a 10'-0" rear setback, along the northerly property line, and a 0'-0" interior side setback, along the easterly property line.

The subject vacant site is currently improved with two (2) driveway approaches. As part of this project, both existing driveway approaches will be removed and a new 34'-0" wide driveway approach, in the center of the southerly property line, off Westminster Avenue, will be constructed. This new driveway approach will provide access to a new 38'-0" wide two-way drive aisle, which runs down the center of the property. A 20'-0" throat on each side of the driveway approach is provided, which leads to parking spaces on each side of the drive aisle.

The interior of the approximately 3,000 square foot pad building will consist of a customer waiting area, a retail sales area, an employee lounge room, a dry storage and supply room, a janitor storage room, a mechanical equipment room, a packaging and food prep area, a kitchen area, a food prep area, a receiving room, an employee locker room, a men's restroom, and a women's restroom.

Parking:

For a retail meat market establishment, the Municipal Code requires a minimum of one (1) parking space per 200 square feet of gross floor area. The proposed project includes an approximately 3,000 square foot building. Based on Code requirements for parking, the project is required to provide a minimum of fifteen (15) parking spaces. The project provides a total of fifteen (15) parking spaces (eleven standard parking spaces, three (3) compact parking spaces, and one (1) handicap parking space). Therefore, the project complies with the minimum parking requirements.

Building Design:

The applicant has proposed a design for the new building that is architecturally unique, modern, and aesthetically pleasing, coupled with an entry to the site that is fully landscaped and creates an inviting environment. The building incorporates stucco and masonry block wall elements, linear lines on the façade, and high ceiling window mullions. At the front entrance of the building is a partially covered architectural building feature, which provides an interesting design element to the façade while also providing shade for patrons. It should be noted that this partially covered area is open and not enclosed.

Landscaping:

Based on the landscaping requirements of the Municipal Code, the site is required to provide a minimum of 680 square feet of landscaping on-site, excluding any landscaping provided in required setbacks. The proposed site design will provide a total of 714 square feet of landscaping (excluding landscaping in required setbacks), which is a surplus of 34 square feet. When including all landscaping provided in required setbacks, the site will provide a total of 2,680 square feet of landscaping.

Landscaping will be provided along the Westminster Avenue street frontage, as well as throughout the interior of the property. Landscape planting will include a variety of plant material such as, but not limited to: canary island pine trees, Indian hawthorn, and star jasmine, including various other shrubs, flowering, and groundcover. All planting shall be watered by means of an automatic irrigation system meeting the City's requirements for water conservation. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code.

Signage:

All proposed signage shall adhere to Section 9.20, Sign Standards, of Title 9 of the Municipal Code. The applicant will be required to submit a detailed and comprehensive sign plan for the entire site for review and approval. A separate sign application will be submitted and building permit will be obtained for the proposed on-site signage.

Conclusion:

Staff believes the record contains sufficient facts and findings to support approval of the applicant's Site Plan request. Accordingly, Staff has prepared for the Commission's consideration a draft resolution approving the proposed request, subject to the specified Conditions of Approval.



**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

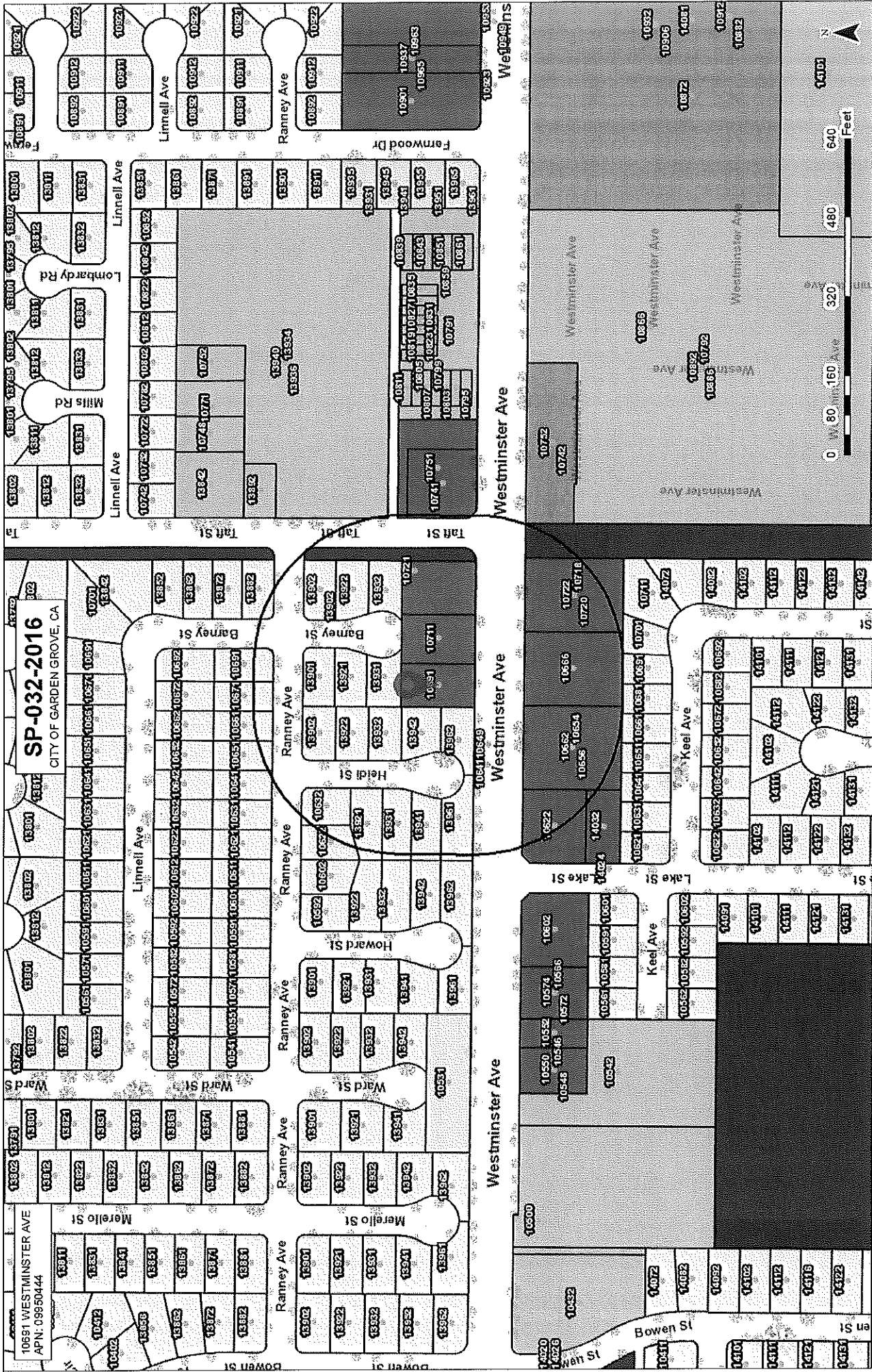
1. Approve Site Plan No. SP-032-2016, subject to the recommended Conditions of Approval.



LEE MARINO  
Senior Planner



By: Chris Chung  
Associate Planner



**SP-032-2016**  
CITY OF GARDEN GROVE, CA

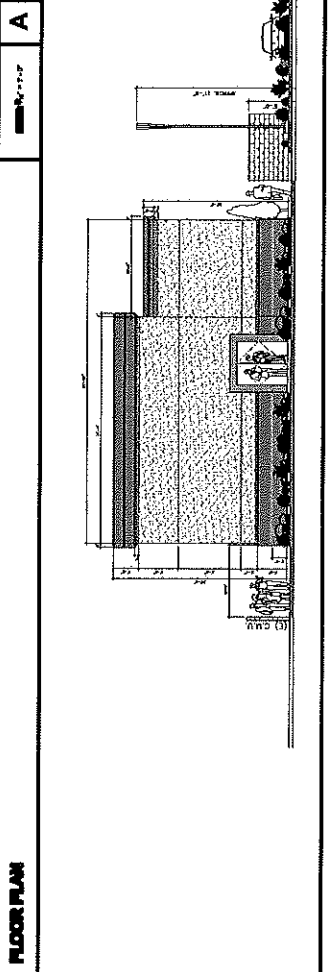
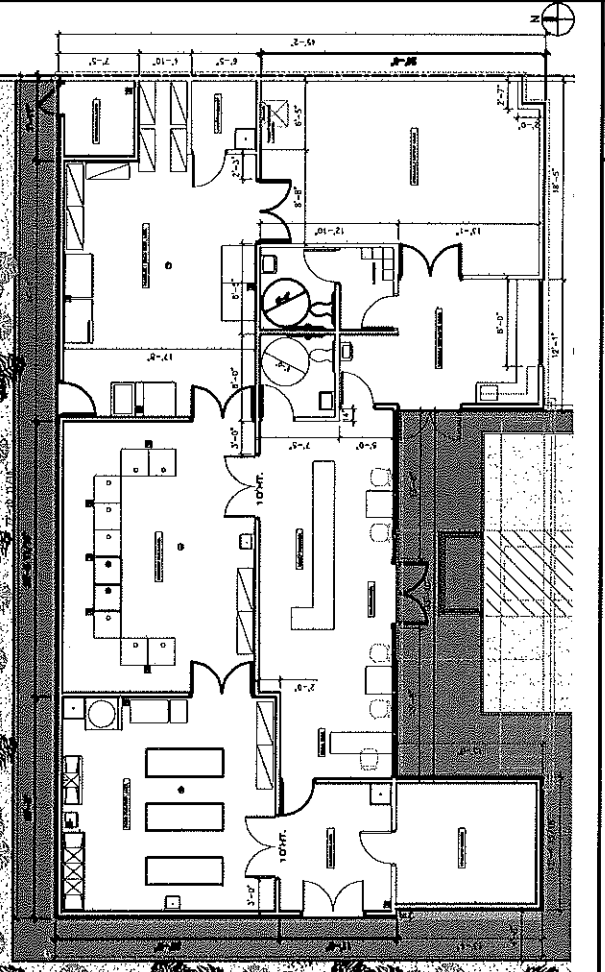
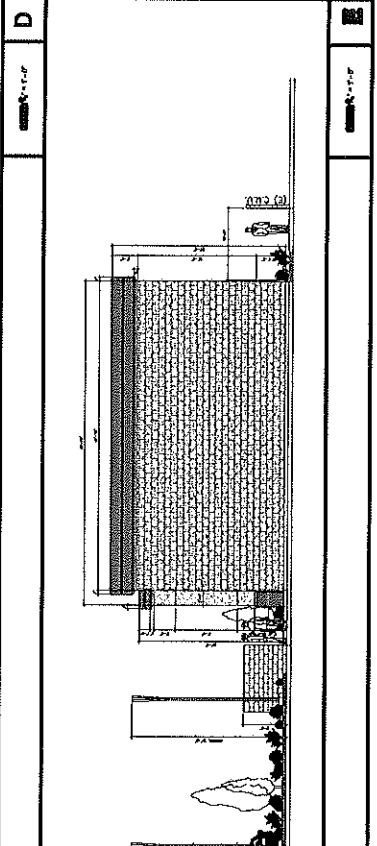
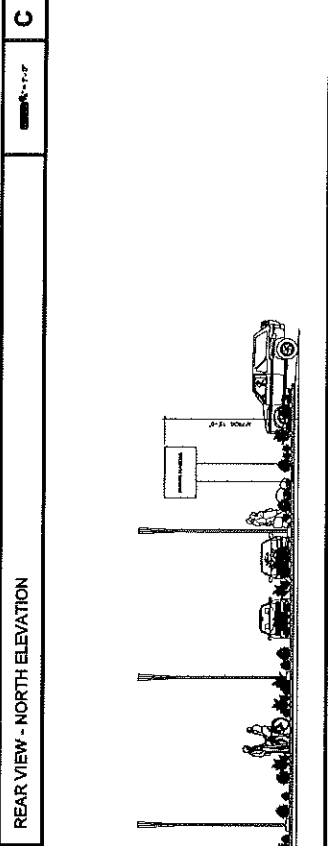
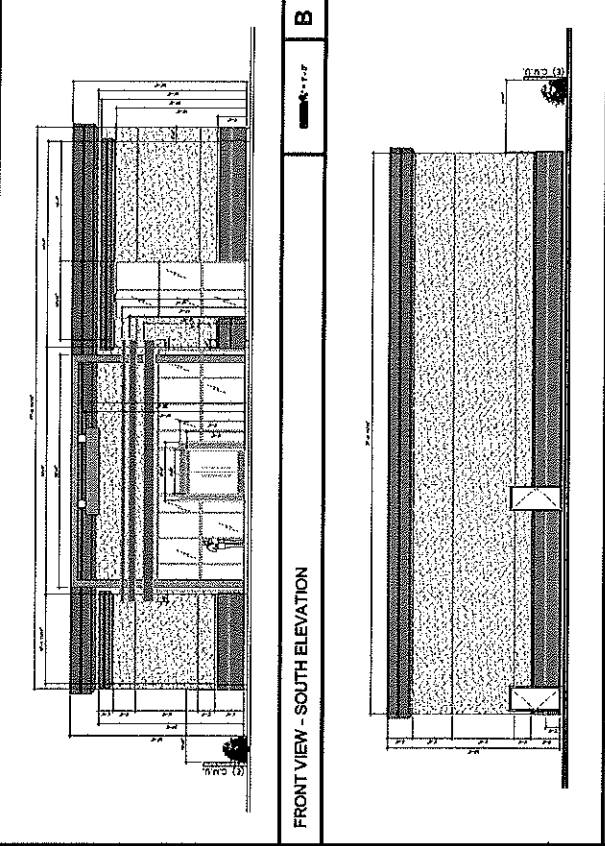
10691 WESTMINSTER AVE  
APN: 0995044

10691  
10692  
10693  
10694  
10695  
10696  
10697  
10698  
10699  
10700  
10701  
10702  
10703  
10704  
10705  
10706  
10707  
10708  
10709  
10710  
10711  
10712  
10713  
10714  
10715  
10716  
10717  
10718  
10719  
10720  
10721  
10722  
10723  
10724  
10725  
10726  
10727  
10728  
10729  
10730  
10731  
10732  
10733  
10734  
10735  
10736  
10737  
10738  
10739  
10740  
10741  
10742  
10743  
10744  
10745  
10746  
10747  
10748  
10749  
10750  
10751  
10752  
10753  
10754  
10755  
10756  
10757  
10758  
10759  
10760  
10761  
10762  
10763  
10764  
10765  
10766  
10767  
10768  
10769  
10770  
10771  
10772  
10773  
10774  
10775  
10776  
10777  
10778  
10779  
10780  
10781  
10782  
10783  
10784  
10785  
10786  
10787  
10788  
10789  
10790  
10791  
10792  
10793  
10794  
10795  
10796  
10797  
10798  
10799  
10800  
10801  
10802  
10803  
10804  
10805  
10806  
10807  
10808  
10809  
10810  
10811  
10812  
10813  
10814  
10815  
10816  
10817  
10818  
10819  
10820  
10821  
10822  
10823  
10824  
10825  
10826  
10827  
10828  
10829  
10830  
10831  
10832  
10833  
10834  
10835  
10836  
10837  
10838  
10839  
10840  
10841  
10842  
10843  
10844  
10845  
10846  
10847  
10848  
10849  
10850  
10851  
10852  
10853  
10854  
10855  
10856  
10857  
10858  
10859  
10860  
10861  
10862  
10863  
10864  
10865  
10866  
10867  
10868  
10869  
10870  
10871  
10872  
10873  
10874  
10875  
10876  
10877  
10878  
10879  
10880  
10881  
10882  
10883  
10884  
10885  
10886  
10887  
10888  
10889  
10890  
10891  
10892  
10893  
10894  
10895  
10896  
10897  
10898  
10899  
10900  
10901  
10902  
10903  
10904  
10905  
10906  
10907  
10908  
10909  
10910  
10911  
10912  
10913  
10914  
10915  
10916  
10917  
10918  
10919  
10920  
10921  
10922  
10923  
10924  
10925  
10926  
10927  
10928  
10929  
10930  
10931  
10932  
10933  
10934  
10935  
10936  
10937  
10938  
10939  
10940  
10941  
10942  
10943  
10944  
10945  
10946  
10947  
10948  
10949  
10950  
10951  
10952  
10953  
10954  
10955  
10956  
10957  
10958  
10959  
10960  
10961  
10962  
10963  
10964  
10965  
10966  
10967  
10968  
10969  
10970  
10971  
10972  
10973  
10974  
10975  
10976  
10977  
10978  
10979  
10980  
10981  
10982  
10983  
10984  
10985  
10986  
10987  
10988  
10989  
10990  
10991  
10992  
10993  
10994  
10995  
10996  
10997  
10998  
10999  
11000











**PH&D**  
LANDSCAPE ARCHITECTURE, INC.  
1000 WESTMINSTER AVENUE, SUITE 100  
FOUNTAIN VALLEY, CA 92708  
TEL: 714 952-1100  
FAX: 714 952-1101

**LANDSCAPE PLAN & SCHEDULE**

PROJECT NUMBER: **L-1**

PROJECT TITLE: **RETAIL FOOD FACILITY**

PROJECT ADDRESS: **10691 WESTMINSTER AVE, GARDEN CROWE, CA 92841**

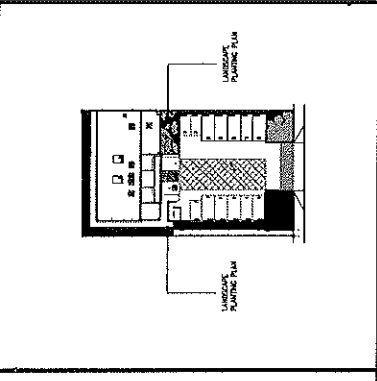
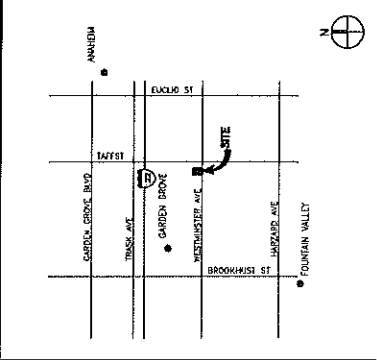
DATE: 04 / 27 / 2013

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

PROJECT SUPERVISOR: [Signature]



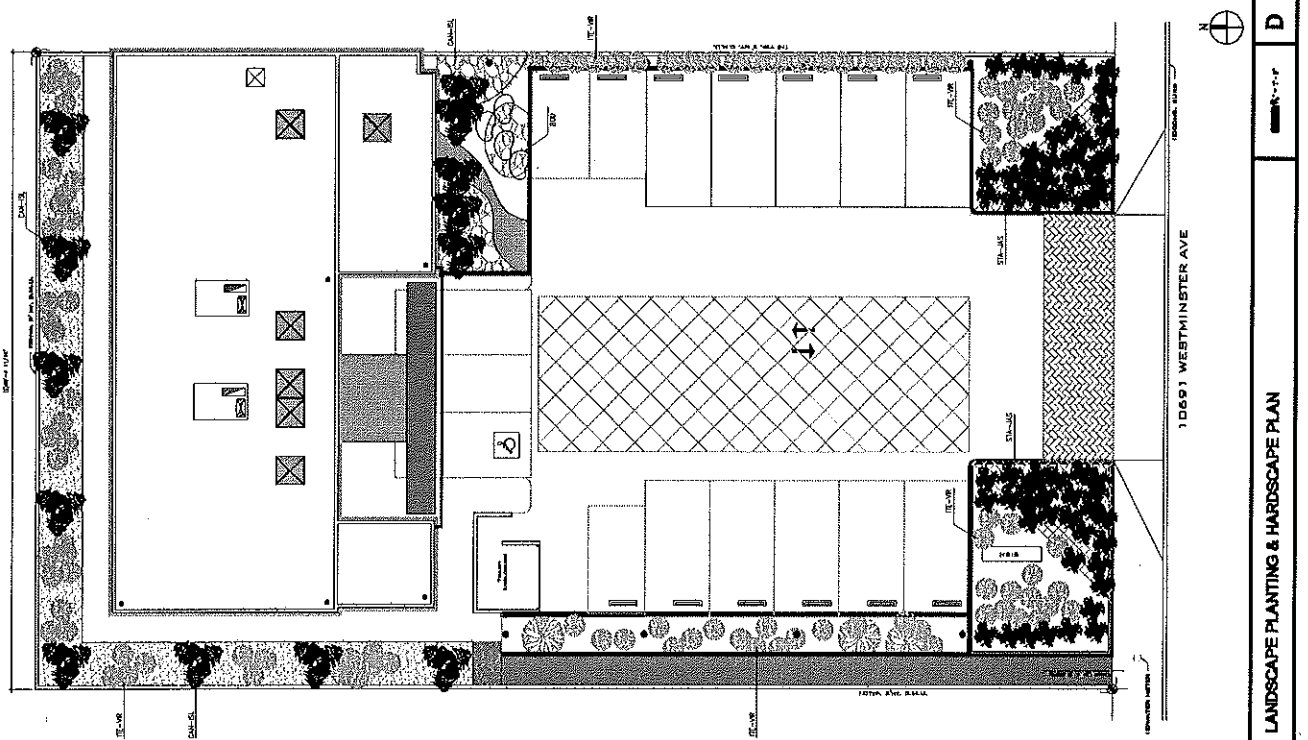
**PROJECT DATA**

1. CONTRACTOR QUALIFICATIONS: LANDSCAPING LICENSE C-27 OR HIGHER  
 2. CONTRACTOR SHALL VERIFY ALL ACTUAL GRADE ELEVATIONS, EXISTING UTILITIES, AND ALL OTHER CONDITIONS OF THE SITE AND ADJUST THE PLANTING SCHEDULE AND MATERIALS LIST ACCORDINGLY.  
 3. CONTRACTOR SHALL PROVIDE THE COMPLETE PLAN MATERIALS LIST, INCLUDING PLANT TYPE AND ITS SPECIFICATION, INCLUDING SOIL, MATERIALS, PLANT LABEL, AND MANUFACTURER'S INFORMATION.  
 4. APPLICATION INSTRUCTIONS TO THE PROJECT: 1.5 FEET AWAY FROM UTILITIES OR BUILDING STRUCTURES PER CITY CODE. ALL PLANTING MATERIALS MUST BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 5. ALL PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 6. ALL PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 7. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 8. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 9. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 10. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 11. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 12. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 13. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 14. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 15. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 16. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 17. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 18. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 19. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 20. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 21. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 22. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.

TYPE	PLANT SYMBOL	SPACING	QUANTITY	REMARKS	DATE
SPRING TREE	[Symbol]	3' ON	14	1. 100% L&S BY 1/1/14 2. 100% L&S BY 1/1/14 3. 100% L&S BY 1/1/14	04/27/13
SHRUB	[Symbol]	3' ON	100	1. 100% L&S BY 1/1/14 2. 100% L&S BY 1/1/14 3. 100% L&S BY 1/1/14	04/27/13
GROUP COVER	[Symbol]	1' ON	50	1. 100% L&S BY 1/1/14 2. 100% L&S BY 1/1/14 3. 100% L&S BY 1/1/14	04/27/13
GROUP COVER	[Symbol]	1'-2"	APPROX. 300	1. 100% L&S BY 1/1/14 2. 100% L&S BY 1/1/14 3. 100% L&S BY 1/1/14	04/27/13
MESQUITE	[Symbol]	APPROX. 100	300	1. 100% L&S BY 1/1/14 2. 100% L&S BY 1/1/14 3. 100% L&S BY 1/1/14	04/27/13

**LANDSCAPE NOTES**

1. CONTRACTOR SHALL VERIFY ALL ACTUAL GRADE ELEVATIONS, EXISTING UTILITIES, AND ALL OTHER CONDITIONS OF THE SITE AND ADJUST THE PLANTING SCHEDULE AND MATERIALS LIST ACCORDINGLY.  
 2. CONTRACTOR SHALL PROVIDE THE COMPLETE PLAN MATERIALS LIST, INCLUDING PLANT TYPE AND ITS SPECIFICATION, INCLUDING SOIL, MATERIALS, PLANT LABEL, AND MANUFACTURER'S INFORMATION.  
 3. APPLICATION INSTRUCTIONS TO THE PROJECT: 1.5 FEET AWAY FROM UTILITIES OR BUILDING STRUCTURES PER CITY CODE. ALL PLANTING MATERIALS MUST BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 4. ALL PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 5. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 6. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 7. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 8. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 9. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 10. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 11. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 12. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 13. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 14. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 15. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 16. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 17. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 18. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 19. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 20. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 21. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.  
 22. PLANTING MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.





RESOLUTION NO. 5874-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-032-2016, FOR A PROPERTY LOCATED ON THE NORTH SIDE OF WESTMINSTER AVENUE, WEST OF TAFT STREET, AT 10691 WESTMINSTER AVENUE, ASSESSOR'S PARCEL NO. 099-504-44.

BE IT FURTHER RESOLVED in the matter of Site Plan No SP-032-2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by TD/PH&D Company, Inc.
2. A request for Site Plan approval to construct a new approximately 3,000 square foot one-story building, for the operation of a retail meat market, on a vacant 13,259 square foot lot, located at 10691 Westminster Avenue (APN: 099-504-44), along with associated improvements, which include a parking lot and landscaping.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-1 (Neighborhood Commercial). The subject property is currently a 13,259 square foot vacant lot.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on January 12, 2017, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of January 12, 2017, and

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

**FACTS:**

The subject property is currently a 13,259 square foot vacant lot, located on the north side of Westminster Avenue, just west of Taft Street. The property has a General Plan Land Use Designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). The subject property is adjacent to C-1 zoned properties to the east, and to the south, across Westminster Avenue, and R-1 (Single-Family Residential) zoned properties to the west and north.

The property was previously improved with an approximately 1,800 square foot freestanding pad building, which was in operation as a coffeehouse establishment. According to business license records, the prior building was in operation as a restaurant and coffeehouse since 1993. In May of 2015, the property owner, Thai Nguyen, obtained a demolition permit to demolish all existing improvements, which included the existing building and the parking lot. The site is now currently unimproved and vacant.

The proposed construction of the new approximately 3,000 square foot building and operation of a new retail meat market is part of an effort to relocate the property owner's current retail meat market business, California Sausage #2, which is currently located in the City of Garden Grove, at 12821 Harbor Boulevard H 1A.

**FINDINGS AND REASONS:****SITE PLAN:**

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

The project has a General Plan land use designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). The project complies with the land use designation and the zoning requirements for the property. The proposed project has been designed within the parameters of the C-1 zone development standards. The placements of the structure, the site design, the parking lot layout, the number of on-site parking spaces, and the landscape areas are consistent with the spirit and intent of the requirements of the Municipal Code.

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

The subject vacant site is currently improved with two (2) driveway approaches. As part of this project, both existing driveway approaches will be removed and a new 34'-0" wide driveway approach, in the center of the

southerly property line, off Westminster Avenue, will be constructed. This new driveway approach will provide access to a new 38'-0" wide two-way drive aisle, which runs down the center of the property. A 20'-0" throat on each side of the driveway approach is provided, which leads to parking spaces on each side of the drive aisle. The project has been designed to provide a parking layout that enables customers to maneuver effectively throughout the site, while also allowing maneuverability for customers to access and exit the site utilizing the extra wide 38'-0" drive aisle. Sufficient on-site parking is provided to accommodate the proposed retail meat market.

Furthermore, the City's Traffic Engineering Division and the Fire Department have also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets.

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

The streets in the area will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and adequate to accommodate the development. The property is not located in a sewer deficiency area. The Public Works Department has incorporated conditions of approval to mitigate potential impacts to the sewer system.

The proposed development will also provide landscaping and proper grading of the site in order to improve drainage in the area. The Public Works Engineering and Water Services Division have reviewed that plans, and all appropriate conditions of approval will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels.

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

The project is located in an area with both commercial and residential uses. The proposed project is consistent with the surrounding area and compatible with the existing uses on the properties. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments.

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

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive and pedestrian-oriented environment. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A," shall apply to Site Plan No. SP-032-2016.

## **EXHIBIT "A"**

### **Site Plan No. SP-032-2016**

10691 Westminster Avenue

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

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

**Public Works Engineering Division**

6. The applicant shall be subject to Traffic Mitigation Fees, Park Fees, Drainage Fees, and other mitigation fees for development projects identified in Chapter 9.44 and/or other provisions of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City.
7. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
8. A separate street permit is required for work performed within the public right-of-way on Westminster Avenue. City of Garden Grove will begin a street rehabilitation project on Westminster Avenue starting July 5, 2017. Any utility cuts on Westminster Avenue shall be done prior to July 1, 2017. Otherwise, the contractor will be obligated to grind and cap (up to 3-inches) the entire width of the travel lane fronting the project.
9. A grading plan prepared by a registered Civil Engineer is required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan.
10. Prior to issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
  - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
  - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.

- c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
  - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
  - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
  - g. Provide notice by recordation of the plan with the County Recorder's office to all future owners that said plan is bound in perpetuity to the property.
11. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
  - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
  - e. Record the plan with the County Recorder's office and forward the recorded document to the City of Garden Grove Engineering Division.
12. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be designed per Orange County Standard Plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
13. Prior to issuance of a grading permit, the applicant shall design overhead parking lot and pathway lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the grading plan.

14. All trash container areas shall meet the following requirements:
  - a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
  - b. Provide solid roof or awning to prevent direct precipitation into the enclosure;
  - c. Provide a drain to a sanitary waste line. Connection of trash area drains to the municipal storm drain system is prohibited;
  - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
  - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information;
  - f. The trash enclosure(s) shall be located to allow pick-up and maneuvering, including turnarounds, in the areas of the enclosures;
  - g. Trash storage enclosures shall be constructed in accordance with City of Garden Grove Standard Plan B-502.
15. The applicant shall construct the entrance to the development per City of Garden Grove Standard Plan B-120 with a conforming ADA landing and pathways where public and private sidewalks intersect. All designs must conform to the latest ADA standards.
16. All parking areas that abut to sidewalks that are not elevated with a curb face to the stall shall have wheel stops.
17. Any new or required block walls and/or retaining walls shall be shown on the grading plans with a minimum height of six (6) feet from the highest finished grade unless approved for lower height by the Planning Division. Cross sections shall be provided on the grading plan showing vertical and the horizontal relations of improvements and the property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
18. The grading plan shall provide an accessibility route(s) from entries on the buildings to the public street for the ADA pathways in conformance with the requirements of the department of justice standards latest edition with a minimum allowable width of 48-inches.



19. Prior to issuance of a building permit, the applicant shall design and construct street frontage improvements as identified below:

Westminster Avenue

- a. Remove and replace the existing driveway approaches to the site in accordance with City of Garden Grove Standard Plan B-120.
- b. Remove the existing sidewalk on Westminster Avenue and construct a new 8-foot sidewalk adjacent to the existing street curb in accordance with City of Garden Grove Standard Plan B-106. Improvements are to meet and match existing public improvements east and west of Westminster Avenue.
- c. New 8-inch curb and gutter shall be constructed replacing the existing driveways at 42-feet from the center line of Garden Grove Boulevard according to City of Garden Grove Standard Plan B-113 (Type C-8).

**Public Works Water Services Division**

20. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at the applicant's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted.
21. If required, the contractor shall install a fire service connection per City Standard B-773 and be inspected by the Water Services inspector. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division.
22. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Water Quality shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
23. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.

24. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at applicant's expense.
25. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
26. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license.
27. A properly sized grease control device (GCD) shall be installed on the waste line and maintained by the applicant. The applicant shall maintain comprehensive grease trap maintenance records and shall make them available to the City of Garden Grove upon demand.
28. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations.
29. If needed, applicant shall install new sewer lateral. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints and inspected by the Garden Grove Sanitary District. All on-site work shall be per California Plumbing Code and inspected by a Building Services inspector.
30. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

#### **Police Department**

31. There shall be no gaming tables or gaming machines as outlined in City Code Sections 8.20.010 and 8.20.050 on the premises at any time.
32. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
33. All pay phones located adjacent to the premises shall be limited to out-going calls only. This condition shall be complied within 30 days following approval of this application.

#### **Community and Economic Development Department**

34. The approved site plan and floor plan are an integral part of the decision approving this Site Plan. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic

- Development Department, Planning Division. Any additional changes in the approved floor plan, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).
35. The sale of alcoholic beverages for on-site or off-site consumption on the premises is prohibited.
  36. No outside display of merchandise shall be permitted at any time.
  37. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week. No delivery vehicles, including refrigerated trucks, shall be permitted to be left running or idling during deliveries.
  38. There shall be no loading or unloading activities occurring in any areas, of the property, facing the westerly or northerly property lines where adjacent residentially improved properties exist.
  39. The applicant shall ensure that no odors emit from the operation of the business/establishment on-site, or any odors from any trash collected in the trash enclosure/bins. Should any odors emit from the operation of the business/establishment, the applicant shall cease operation of the business immediately, and address the matter to eliminate the odors completely and in perpetuity. If the City's Community and Economic Development Director deems such action is necessary to address any issues with odors emitting from the operation of the business/establishment, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility.
  40. In the event, the subject site cannot accommodate the parking demand, due to impacts generated by the business, at any given time, which causes a nuisance, hindrance, and/or problem with both on-site and off-site parking and circulation, the business owner/property owner shall devise and implement a plan to relieve the situation. The business owner/property owner shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation. If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility.

41. A prominent, permanent sign, stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES," shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the store's entrance, and shall also be visible to the public.
42. There shall be no pool tables or incidental amusement devices on the premises at any time.
43. There shall be no uses or activities of an adult-oriented nature permitted as outlined in City Code Section 9.08.070.
44. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
45. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
46. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
47. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
48. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows or on exterior of the building.
49. Exterior advertisements displays or exterior wall advertisements shall not be allowed.

50. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
  - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
  - b. Sunday and Federal Holidays may work the same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
51. 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.
52. The applicant/property owner shall comply with the adopted City Noise Ordinance. During permitted hours of operation, noise generated by the operation shall not exceed 55 dBA as measured at the boundaries of the property lines.
53. The building plans, including grading and development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.
54. As a part of the finalized working drawings for Planning Division, Engineering Division and Building Plan Check, the developer shall submit a detailed and dimensioned plot plan, floor plans, exterior elevations, and landscape plans that reflect these conditions of approval. The plans shall indicate landscape materials, wall materials and building materials proposed for the project.
55. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or ground lighting system. Lighting in the common and parking areas shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences. Parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness.
56. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic

Development Department, Planning Division, for review and approval prior to submittal of plans for Building Division, Plan Check. The project shall also be subject to the following:

- a. All above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community Development Department, Planning Division.
  - b. No roof or wall mounted mechanical equipment shall be permitted unless the Planning Division Services approves a method of screening complementary to the architecture of the building, prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, including the surrounding properties.
57. The applicant shall submit a complete landscape plan governing the entire development for review and approval by the Community and Economic Development Department prior to building permit issuance. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code as well as recently adopted provisions by the State of California concerning drought tolerant landscape measures. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. Said plan shall include type, size, location and quality of all plant material. This includes enhanced landscaping for the walkway areas. The plan shall include an irrigation plan, and staking and planting specification. The landscape plan is subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided around each of these equipment/apparatus.
  - c. The applicant shall be responsible for the installation and maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to within the public right-of-way.
  - d. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent

(60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. All proposed trees shall be non-fruit bearing, evergreen trees that require minimal maintenance.

- e. No trees shall be planted closer than five feet (5') from the public right-of-way. Trees planted within fifteen feet (15') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages, adjacent to driveways, shall be of the low-height variety to ensure safe sight clearance.
58. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.
  59. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.
  60. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant and all agents thereof.
  61. All driveway approaches shall be treated with decorative stamped concrete or interlocking pavers or other enhanced treatment, excluding scored and/or colored concrete. Color, pattern and material shall be approved by the Community and Economic Development Department, Planning Division, and shall be shown on the final site plan and the grading plan.
  62. All on-site curbs, not associated with a parking space, shall be painted red.
  63. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
    - a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
    - b. Property owners, employees, and business operators shall not store vehicles anywhere on the site.
    - c. The trash enclosure shall match the color and material type used for the block walls and shall be gated. The trash bins shall be kept inside the trash enclosure, and gates closed at all times except during disposal and pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site. The trash shall be picked up at least once per week.

- d. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
64. The proposed development shall comply with all applicable provisions of the Garden Grove Local Implementation Plan (LIP), including but not limited to, providing a Water Quality Management Plan (WQMP) and Section 7 addressing reducing water run-off from the site (e.g., directing roof rain gutter's downspouts to permeable areas such as landscape planters).
65. The applicant shall work with the Planning Division to ensure that the proposed building colors are appropriate, and not overly bright. The applicant shall submit the actual chip samples of the proposed paint colors to the Planning Division for review and approval.
66. In the event problems arise, where the hours of operation need to be reduced in order to minimize problems, the operator shall change the hours of operation as prescribed by the City.
67. A copy of the resolution, including the conditions of approval, approving Site Plan No. SP-032-2016, shall be kept on the premises at all times.
68. The Site Plan may be called for review by City staff, the City Council, Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other city department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
69. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-032-2016, and his/her agreement with all conditions of the approval.
70. The building shall comply with applicable California Building Standards Code.
71. The project shall comply with any applicable EVCS (Electric Vehicle Charging Stations) requirements, per the applicable California Building Standards Code, by providing any required EVCS charging stations/parking spaces on-site.
72. Per the applicable California Building Standards Code, the applicant shall provide sufficient bicycle parking (bike racks) on-site. The applicant shall submit a plan, showing the proposed location of the bike racks, to the Community and Economic Development Department, for review and approval.
73. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents



and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-032-2016 (the "Project entitlement"). 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. Notwithstanding the foregoing, in the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul the Project entitlement, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; or (2) request that the City rescind the entitlement approval, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlement.

74. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-032-2016, has begun.
75. 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.
76. The applicant shall work with the Planning Division to ensure the perimeter walls or fences, along the westerly, northerly, and easterly property lines, are decorative, aesthetically pleasing, and to the extent feasible, utilizes landscape treatment. The applicant shall submit details and plans, of the proposed perimeter wall or fence design, to the Planning Division, for review and approval.
77. The applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new

and existing walls. Furthermore, the outward facing portion of the new wall shall be compatible in design and match the color of the existing wall it is abutting. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation. Additionally, the applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing any required perimeter blocks walls and/or retaining walls so as not to construct new walls that unreasonably cause shade and shadow issues to nearby homes or are unreasonably tall in height, as measured from grade on the side of the neighboring properties. The applicant shall work with the City to mitigate any such occurrences and issues relating to any walls, subject to final review and approval by the City.

78. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Site Plan No. SP-032-2016 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.