



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

SEPTEMBER 18, 2014

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

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

ROLL CALL: CHAIR LAZENBY, VICE CHAIR MARGOLIN
COMMISSIONERS ALEJANDRO, BRIETIGAM, NGUYEN, SILVA, 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 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: August 21, 2014
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. MITIGATED NEGATIVE DECLARATION
AMENDMENT NO. A-011-2014
SITE PLAN NO. SP-012-2014

APPLICANT: CLEAR CHANNEL OUTDOOR, INC.

LOCATION: THE CODE AMENDMENT IS CITYWIDE AND THE SITE
PLAN RELATES TO PROPERTY LOCATED ON THE WEST

END OF CARDINAL CIRCLE CUL-DE-SAC, SOUTH OF GARDEN GROVE 22 FREEWAY, AND WEST OF HARBOR BOULEVARD AT 11615 CARDINAL CIRCLE

REQUEST: A citywide Code Amendment to amend Title 9 of the City of Garden Grove Municipal Code, Chapter 20, Section 9.20.110 Billboards, to allow existing billboards that are proposed to be relocated along the Garden Grove 22 Freeway Corridor, to be converted to electronic billboards subject to special standards. This request is in conjunction with a Site Plan request to relocate certain specific existing billboards and convert each billboard into one (1), two-sided electronic billboard located along the Garden Grove 22 Freeway at 11615 Cardinal Circle in the M-1 (Limited Industrial) zone. Also, a Mitigated Negative Declaration has been prepared for this project and will be considered for adoption along with the subject Code Amendment and Site Plan application. The Mitigated Negative Declaration also addresses City Council's consideration of a Billboard Relocation Agreement at a later meeting.

STAFF RECOMMENDATION: Recommend approval of the Mitigated Negative Declaration and Amendment No. A-011-2014 to City Council, and approve Site Plan No. SP-012-2014, subject to the recommended conditions of approval.

C.2. SITE PLAN NO. SP-307-02 REV. 2014
CONDITIONAL USE PERMIT NO. CUP-604-02 REV. 2014

APPLICANT: YONG JU KWON

LOCATION: WEST SIDE OF NEWHOPE STREET, NORTH OF WESTMINSTER AVENUE AT 13831 NEWHOPE STREET

REQUEST: To modify the approved Site Plan No. SP-307-02, and Conditional Use Permit No. CUP-604-02, to allow a first and second floor addition to the existing two-story office building. Currently, the site operates, and will continue to operate, as a contractor's storage yard. The applicant proposes to add 1,105 square feet to the existing 3,353 square feet on the first floor and 1,824 square feet to the existing 1,706 square feet on the second floor, for a total gross floor area, including the addition, of 7,988 square feet. The site is in the M-1 (Light Industrial) zone. This project is exempt pursuant to CEQA Section - 15303(c) - New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approve Site Plan No. SP-307-02 REV. 2014 and Conditional Use Permit No. CUP-604-02 REV. 2014, subject to the recommended conditions of approval.

C.3. SITE PLAN NO. SP-011-2014

APPLICANT: AMB (AMERICAN METAL BEARING COMPANY)

LOCATION: NORTHEAST CORNER OF THE INTERSECTION OF ACACIA AVENUE AND PALA DRIVE, EAST OF KNOTT STREET AT 7191 ACACIA AVENUE

REQUEST: Site Plan approval to construct a 3,760 square foot addition to an existing industrial building. The addition will hold a new machine used to manufacture parts for the American Metal Bearing (AMB) Company. The site is in the M-P (Industrial Park) zone. This project is exempt pursuant to CEQA Section - 15301(e)(2) - Additions to existing structures where the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and an area that is not environmentally sensitive.

STAFF RECOMMENDATION: Approve Site Plan No. SP-011-2014, subject to the recommended conditions of approval.

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

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

Regular Meeting Minutes
Thursday, August 21, 2014

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair Lazenby
Vice Chair Margolin
Commissioner Alejandro
Commissioner Brietigam
Commissioner Nguyen
Commissioner Silva
Commissioner Zamora

Absent: Nguyen, Zamora

PLEDGE OF ALLEGIANCE: Alejandro

ORAL COMMUNICATIONS – PUBLIC: None.

JULY 17, 2014 MINUTES:

Action: Received and filed.

Motion: Margolin Second: Alejandro

Ayes: (5) Alejandro, Brietigam, Lazenby, Margolin, Silva
Noes: (0) None
Absent: (2) Nguyen, Zamora

PUBLIC HEARING – SITE PLAN NO. SP-422-07TE7 (Time Extension No. 7),
VARIANCE NO. V-157-07 (REF.: PLANNED UNIT DEVELOPMENT NO. PUD-117-07,
TENTATIVE TRACT MAP NO. TT-17127). For property located at 8372 Central
Avenue, south side of Central Avenue, between Wilson Street and Newland Street.

Applicant: Fidelity Development Company (Allan Chen)

Date: August 21, 2014

Request: Approval of a one-year time extension for the approved entitlements under Site Plan No. SP-422-07, for a small-lot, single-family residential subdivision. This project recognizes a previously adopted Negative Declaration.

Action: Public Hearing held. Speakers: Mr. Allan Chen. Two letters of opposition were submitted by Raymond A.

Goulette and Diana Ly.

Action: Resolution No. 5825-14 adopted.

Motion: Alejandro Second: Silva

Ayes: (4) Alejandro, Lazenby, Margolin, Silva
Noes: (1) Brietigam
Abstain: (0) None
Absent: (2) Nguyen, Zamora

Commissioner Zamora joined the meeting at 7:54 p.m.

PUBLIC HEARING – AMENDMENT NO. A-005-2014. City of Garden Grove, Citywide.

Applicant: City of Garden Grove

Date: August 21, 2014

Request: To amend Chapter 20 of Title 9 of the City of Garden Grove Municipal Code to establish standards and requirements pertaining to electronic changeable copy in signs, and to revise the existing monument sign regulations. This project is exempt pursuant to CEQA Sections – 15303 – Small New Accessory Facilities and 15311 - Minor Structures.

Action: Public Hearing held. Speakers: Mr. Josh Tameifuna.

Action: Resolution No. 5810-14 adopted.

Motion: Brietigam Second: Lazenby

Ayes: (5) Alejandro, Brietigam, Lazenby, Margolin, Silva
Noes: (0) None
Abstain: (1) Zamora
Absent: (1) Nguyen

PUBLIC HEARING – SITE PLAN NO. SP-010-2014. For property located at 7761 Garden Grove Boulevard, north side of Garden Grove Boulevard between Hoover Street and Village Center Drive.

Applicant: Edward W. Morse

Date: August 21, 2014

Request: To construct a two-story, 3,150 square foot addition to an existing 11,405 square foot medical clinic, Nhan Hoa Comprehensive Health Care Center, located on a 58,290 square foot lot. This project is exempt pursuant to CEQA Section – 15301 – Existing Facilities.

Action: Public Hearing held. Speakers: Mr. Edward Morse.

Action: Resolution No. 5827-14 adopted.

Motion: Alejandro Second: Zamora

Ayes: (6) Alejandro, Brietigam, Lazenby, Margolin, Silva,
Zamora

Noes: (0) None

Abstain: (0) None

Absent: (1) Nguyen

MATTERS FROM COMMISSIONERS: Commissioner Zamora mentioned a dirty sidewalk and wall area at Euclid Street, south of the 22 Freeway, north of Westminster Avenue, and an area on the west side of Euclid Street by the Dalat Supermarket, and asked who was responsible for clean up. Staff replied Public Works was responsible and that the matters would be looked into. Commissioner Silva asked staff for a study session update on the Re:Imagine program and mentioned that the Mind Mixer website was not user-friendly. Staff responded that a Re:Imagine update would be the focus of an upcoming City Council study session and that the Mind Mixer question portion of the program had ended in July. Regarding Re:Imagine, Commissioner Zamora commented that an alternative social media to use was the Open Streets Facebook page. Also, Chair Lazenby suggested that a reduction of traffic speed for the narrow Taft Street, between Century Boulevard and Trask Avenue, would make the area more safe.

MATTERS FROM STAFF: Staff stated that the September 4th, 2014 Planning Commission meeting would be cancelled and gave a brief description of the items for the September 18th meeting. Staff also announced a study session/driving tour, from 4:00 to 7:00 p.m., on Thursday, October 2nd to view Jamboree projects within the City. Commissioner Alejandro asked for an update on the Casa Linda traffic signal matter to which Commissioner Zamora responded that a member of staff called and said a visit to the signal site was scheduled.

ADJOURNMENT: At 8:25 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, September 4th, 2014, at 7:00 p.m. in the Garden Grove Council Chamber, 11300 Stanford Avenue, Garden Grove.

Motion: Silva Second: Alejandro

Ayes: (6) Alejandro, Brietigam, Lazenby, Margolin, Silva,
Zamora

Noes: (0) None

Abstain: (0) None

Absent: (1) Nguyen

Judith Moore, Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1	SITE LOCATION: Citywide/11615 Cardinal Circle
HEARING DATE: September 18, 2014	GENERAL PLAN: N/A (Amendment) Industrial (Site Plan-11615 Cardinal Circle)
CASE NO. Amendment No. A-011-2014 (City Wide) Site Plan No. SP-012-2014 (11615 Cardinal Circle)	ZONE: N/A (Amendment) M-1 [Limited Industrial] (Site Plan - 11615 Cardinal Circle)
APPLICANT: Clear Channel Outdoor, Inc.	APN: N/A (Amendment) 100-122-01 (Site Plan -11615 Cardinal Circle)
OWNER: Garden Harbor Industrial Park (Site Plan)	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

A request for Planning Commission recommendation to City Council to amend Chapter 20, Section 9.20.110 Billboards of Title 9 of the Garden Grove Municipal Code to allow existing billboards that are proposed to be relocated along the Garden Grove (22) Freeway Corridor to be converted to electronic billboards, subject to special standards. The request also is in conjunction with a Site Plan review request to relocate certain specific existing billboards and convert them into one (1) two-sided electronic billboard located along the Garden Grove (22) Freeway at 11615 Cardinal Circle in the M-1(Limited Industrial) zone. A Mitigated Negative Declaration has been prepared for this project and will be considered for adoption along with the subject Code Amendment and Site Plan application.

BACKGROUND:

Over the past few years, the City has received requests from outdoor advertising (billboard) companies, that own billboards within the City, to relocate existing vinyl billboards along the Garden Grove (22) Freeway and convert them to electronic billboards. Currently, Chapter 20, Section 9.20.110 Billboards, does not allow the installation of new billboards, but does allow the relocation of existing billboards within the City via the Site Plan review process. Billboards are defined by the City Code as a sign identifying a use, facility, or service not conducted on the premises, or a product that is produced, sold or manufactured off-site.

Clear Channel Outdoor, Inc., who owns approximately 12 billboards within the City, has submitted a Code Amendment request to amend Chapter 20, Section 9.20.110 Billboards, of Title 9 of the Garden Grove Municipal Code to allow existing billboards

CASE NO. A-011-2014/SP-012-2014

that are proposed to be relocated along the Garden Grove (22) Freeway Corridor, to be converted to electronic billboards, subject to special standards.

Along with the subject Code Amendment request, the applicant is requesting approval of a Site Plan application to relocate three existing billboards (two single-sided billboard structures and one double-sided billboard structure) and convert them into one, two-sided electronic billboard structure located along the Garden Grove (22) Freeway at 11615 Cardinal Circle.

DISCUSSION:

Amendment:

In order to facilitate the applicant's associated Site Plan review request, Chapter 20, Section 9.20.110 Billboards, of Title 9 of the Garden Grove Municipal Code would need to be amended. As previously stated, the Municipal Code allows outdoor advertising companies who own billboards within the City to relocate existing billboards within the City via the Site Plan review process. However, the Code does not allow any of the billboards to be converted to electronic billboards. Therefore, the subject Code Amendment is proposed.

The proposed Amendment will specifically amend Subsections 9.20.110.A (Prohibition), 9.20.110.B2b and c (Criteria) and add a new Subsection 9.20.110.D (Electronic Billboards Within the Garden Grove (22) Freeway Corridor) to Section 9.20.110 Billboards.

The proposed changes provide definitions for electronic billboards and the Garden Grove (22) Freeway Corridor; provides clarification as to where the relocated/converted billboards can be located along the Garden Grove (22) Freeway; requires the removal of vinyl billboards located elsewhere within the City of Garden Grove and spells out the number of existing billboard structures/faces to be relocated and removed in exchange for the conversion of a relocated billboard structure/face to an electronic billboard face along the Garden Grove (22) Freeway Corridor; establishes distance requirements between electronic billboards and other billboards as well as residential zones; limits the intensity of light of the electronic billboard face; limits the size and square footage of electronic billboards; requires the applicant to enter into a relocation agreement with the City; and requires compliance with State and Federal law requirements. The revisions to the Code are as follows with the changes in bold and underlined text:

SECTION 9.20.110: Billboards

A. Prohibition. **Except for relocations of existing billboards and conversion of existing billboards to electronic billboards pursuant to this Section, No** new billboards shall be constructed within city limits.

B. Relocations of Existing Billboards. An owner of an existing billboard located within the City may apply for a billboard relocation subject to the following procedure and criteria:

1. Process. An applicant for a billboard relocation shall file an application for a site plan approval with the city. The Planning Commission shall be empowered to approve, deny, or conditionally approve the site plan application. The Commission shall apply the criteria as set forth in this subpart in making its determination.
 - a. The Planning Commission shall hold a hearing on the matter and provide notice to property owners of the hearing located within three hundred feet of the relocation site.
 2. Criteria. The planning commission shall apply the following criteria in making its determination on the site plan:
 - a. The structure shall be constructed on two or less steel supports;
 - b. The relocation site shall be at least three hundred feet from any other existing billboard structure, **and shall also comply with the distance requirements set forth in Subsection D.3.e, if applicable;**
 - c. **Except as otherwise provided in Subsection D,** the height of the sign face shall not exceed fifty feet and the display area should not be less than eight feet from the ground;
 - d. The structure shall incorporate aesthetically pleasing architectural elements to the extent feasible so as to promote compatibility with surrounding properties;
 - e. The applicant shall present proof of compliance with any applicable State or Federal law requirements relating to billboard signing and freeway location;
 - f. The structure shall not result in an adverse aesthetic or illumination nuisance upon any surrounding residential neighborhood.
 3. Findings. The Planning Commission shall make a finding in approving such a request that the construction of the structure will not have an adverse effect on the public health, welfare, and safety of the community.
- C. Publicly Caused Billboard Relocations. Any proposal to relocate an existing billboard structure which relocation is caused by a city and/or redevelopment agency project shall be subject to the following site plan review process:
1. The City Council shall have sole jurisdiction in considering whether such an application should be approved;

2. The City Council shall hold a site plan review hearing and utilize the same criteria to be used by the planning commission, except that the city council reserves the right to make exceptions to any of the criteria set forth in Subpart B.2(a.)-(d.).
3. The City Council shall make the finding that the construction of the structure will not adversely affect the public health, welfare and safety of the community.

D. Electronic Billboards Within the Garden Grove (22) Freeway Corridor.

- 1. For purposes of this Subsection 9.20.020.D, the following terms shall have the following meanings:**
 - a. "Billboard" has the same meaning as defined in Subsection 9.20.020.C.**
 - b. "Electronic billboard" means an internally or externally illuminated billboard that utilizes digital message technology capable of instantaneously changing the static message or copy on the sign electronically.**
 - c. "Garden Grove (22) Freeway Corridor" means the area within the city comprised of the land within three hundred (300) feet of either edge of the California State Route 22 Freeway right-of-way.**
- 2. Notwithstanding any other provision of this Code, subject to the discretionary approval of a site plan application pursuant to Subsections 9.20.110.B or C, above, entry into a relocation agreement with the City in accordance with Business and Professions Code Section 5412, and compliance with the additional requirements set forth below, the owner of an existing billboard within the city may convert and/or relocate and convert such billboard to an electronic billboard, provided such relocated and/or converted billboard is located within the Garden Grove (22) Freeway Corridor. Conversion of an existing billboard to an electronic billboard shall be deemed to be a relocation of an existing billboard that is subject to approval of a site plan application pursuant to Subsection 9.20.110.B. Such relocated and/or converted electronic billboards shall be deemed legal non-conforming uses and structures.**
- 3. In addition to such conditions as may be imposed pursuant to approval of a site plan application for a billboard relocation pursuant to Subsections B and/or C, above, electronic billboards shall be subject to the following criteria and conditions:**

- a. An electronic billboard may only be located within the Garden Grove (22) Freeway Corridor.
- b. Electronic billboards shall comply with all applicable location, distance, size, operational, permit or licensing, and/or other requirements or limits imposed by Federal or State law, including, without limitation, the California Outdoor Advertising Act, California Business and Professions Code Section 5200, et. seq., and its implementing regulations, including applicable amendments thereto. To the extent a conflict arises between any provisions of this Section and applicable Federal or State law, State or Federal law shall control.
- c. Each sign face of an electronic billboard shall be oriented primarily for viewing from the Garden Grove (22) Freeway and shall be oriented away from any residentially zoned property.
- d. No electronic billboard shall be located on or within 350 feet of any residentially zoned property, as measured from the structural support column of the electronic billboard to the property line.
- e. No electronic billboard shall be located within 500 feet of any other billboard located on the same side of the freeway or within 1,000 feet of any other electronic billboard or on-premise electronic sign located on the same side of the freeway located on the same side of the freeway.
- f. The permitted height of an electronic billboard shall be determined through the site plan review process and shall be limited to the maximum height necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. Requested height of an electronic billboard shall be justified through a balloon or flag test, or other similar test, conducted at the applicant's cost. Unless special circumstances necessitate a taller sign, as demonstrated through a balloon or flag test, or other similar test, no electronic billboard shall exceed sixty (60) feet in height, as measured from finished grade to the top of the billboard structure.
- g. The area of each electronic billboard sign face, including framing and trim, shall not exceed 680 square feet.
- h. Electronic billboard displays shall contain still or static messages or images only, and no part of the sign

structure or image being displayed may move or present the appearance or optical illusion of movement, or include flashing, blinking, or traveling lighting, the varying of light intensity, or any other means not providing constant illumination. Each static message or image shall be displayed for a minimum of eight (8) consecutive seconds before changing, and the transition or blank screen time between one display message and the next shall not exceed one (1) second.

- i. The maximum intensity of light output produced by an electronic billboard display shall be established in relation to the immediate ambient lighting, and each electronic billboard shall incorporate an automatic light sensing device that will adjust the brightness or intensity of light output as ambient light conditions change. The maximum measurable light output of an electronic billboard shall not exceed 0.3 foot-candles above the ambient light level at any time, as measured using a foot-candle meter at a pre-set distance perpendicular to the display face of the electronic billboard. The pre-set distance for measurement of intensity of light output with a foot-candle meter shall vary depending on the size of the sign face, as follows:

<u>Nominal Sign Face Size</u>	<u>Distance To Be Measured From</u>
<u>12' x 25'</u>	<u>150'</u>
<u>10'-6" x 36'</u>	<u>200'</u>
<u>14' x 48' or Greater</u>	<u>250'</u>

Notwithstanding the foregoing, if, at any time, the City Manager determines, in his or her reasonable discretion, that an electronic billboard is causing excessive glare to drivers or nearby businesses or residences, such that it results in a safety hazard or nuisance, the owner or operator of the electronic billboard shall reduce the intensity of light output of the electronic billboard display to the level determined by the City Manager to be necessary to effectively mitigate the safety hazard or nuisance.

- j. Electronic billboard owners and/or operators shall make space available for the display of emergency messaging in accordance with local, regional, and/or state protocols.
- k. As a condition to approval of the relocation and/or conversion of a billboard to an electronic billboard, the owner of the electronic billboard shall execute a

relocation agreement with the City pursuant to California Business and Professions Code Section 5412 on terms approved by the City Council in its sole and absolute discretion. At a minimum, such a relocation agreement shall (i) require the permanent removal of a minimum of two (2) existing billboard faces within the City for each new electronic billboard face erected or installed, (ii) provide for mitigation by the owner of aesthetic and/or other impacts caused by the electronic billboard(s), (iii) require the owner to comply with any and all required mitigation measures, conditions of approval, and applicable provisions of this Section and this Code; (iv) provide for the payment by the owner of applicable fees and costs; (v) require each owner to indemnify, defend and hold harmless the City from any and all claims, lawsuits, awards and judgments, including any reasonable attorney's fees and court costs, that may arise from the approval of the relocation and/or conversion of a billboard to an electronic billboard and/or the removal of other existing billboards, pursuant to this Section or any other provision of the Code, subject to the terms of the agreement; and (vi) require the owner(s)/operator(s) of the electronic billboard to donate up to five percent (5%) of the total advertising time on the electronic billboard to community events, as requested by the City Manager. Nothing herein shall be construed to require the City enter into such an agreement or to allow the relocation of an existing billboard or the conversion of an existing billboard to an electronic billboard.

- I. The owner of an electronic billboard authorized pursuant to this Section may, at its sole option, remove the digital display unit(s) from the billboard structure at any time, for any reason, and temporarily or permanently replace such digital display unit(s) with state-of-the-art non-electronic static sign faces of the same or smaller dimensions.**

The proposed Amendment is internally consistent with the goals, policies, and elements of the General Plan. The revisions to the billboard sign code and the proposed electronic billboard regulations will ensure compatibility of signage and land uses, and will support the purposes and intent of the sign code.

Site Plan:

Along with the subject Amendment, the applicant has submitted a Site Plan review request, which proposes the relocation/removal of three existing billboard structures and convert them into one (1), 74-foot tall, two-sided electronic billboard located along the Garden Grove (22) Freeway Corridor, at 11615 Cardinal Circle. The three (3) billboard structures to be relocated/removed consists of one (1) single-faced billboard located on the north side of Garden Grove Boulevard, at 9141 Garden Boulevard, east of Magnolia Street; one (1) single-faced billboard located on the north side of Garden Grove Boulevard, at 8841 Garden Grove Boulevard, west of Magnolia Street; and one (1) double-faced billboard at the southeast corner of Westminster Avenue and Flower Street, at 10120 Westminster Avenue.

The proposed electronic billboard is proposed to be located within the parking lot of a 2.95 acre multi-tenant industrial property that is located at the west end of the Cardinal Circle cul-de-sac, east of Harbor Boulevard and adjacent to the south side of the Garden Grove (22) Freeway. The subject site is surrounded by industrially developed properties to the east and south, the OCTA right-of-way to the west, and the Garden Grove (22) Freeway to the north. In order to accommodate the proposed billboard on-site, one parking space will be relocated. The parking space is required to be relocated in order to maintain the current number of parking spaces servicing the site. The design of the sign will include a metal clad single-support with two (2), 14 foot by 48 foot (672 square foot) electronic reader board sign faces that will be oriented toward the Freeway, facing both east and west bound traffic.

In regard to the height of the proposed billboard sign, the proposed Code Amendment requires the maximum height of a billboard sign to be 60-feet, measured from finished grade to the top of the sign structure, unless there are special circumstances that warrant a taller sign and the increased height is substantiated through a balloon/flag test. Due to the fact that the grade of the Garden Grove (22) Freeway is approximately 30-feet above the finished grade of the property the sign is to be located on and that there are sound attenuation walls along a portion of the freeway, the applicant conducted a flag test to determine how high the sign needed to be in order to maintain adequate visibility. Based on the flag test, it was determined that in order to maintain visibility to the billboard sign from both east and west bound freeway traffic, the appropriate sign height is 74-feet, measured from the finished grade of the property the sign will be constructed on. The top of the billboard sign will be approximately 44-feet above the finished grade of the freeway.

Finally, since it is recommended within the Code Amendment that for every billboard face proposed to be relocated/converted from within the city to an electronic billboard face along the Garden Grove (22) Freeway, two vinyl billboard faces shall be removed. The applicant has proposed that four billboard faces be removed elsewhere within the City in order to install the double-sided billboard along the freeway right-of-way. The applicant provided a list of 6 billboard structure locations, some single-faced and some double-faced) that they proposed for removal/relocation. Staff reviewed each location and believe that the three (3)

structures that were chosen would have the most impact in improving the visual aesthetics in the areas in which they are located.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt the attached Resolution recommending adoption of a Mitigated Negative Declaration and approval of Amendment No. A-011-2014 to the City Council; and
- Approve Site Plan No. SP-012-2014 subject to the recommended Conditions of Approval as well as subject to City Council approval of Amendment No. A-011-2014.



KARL HILL
Planning Services Manager

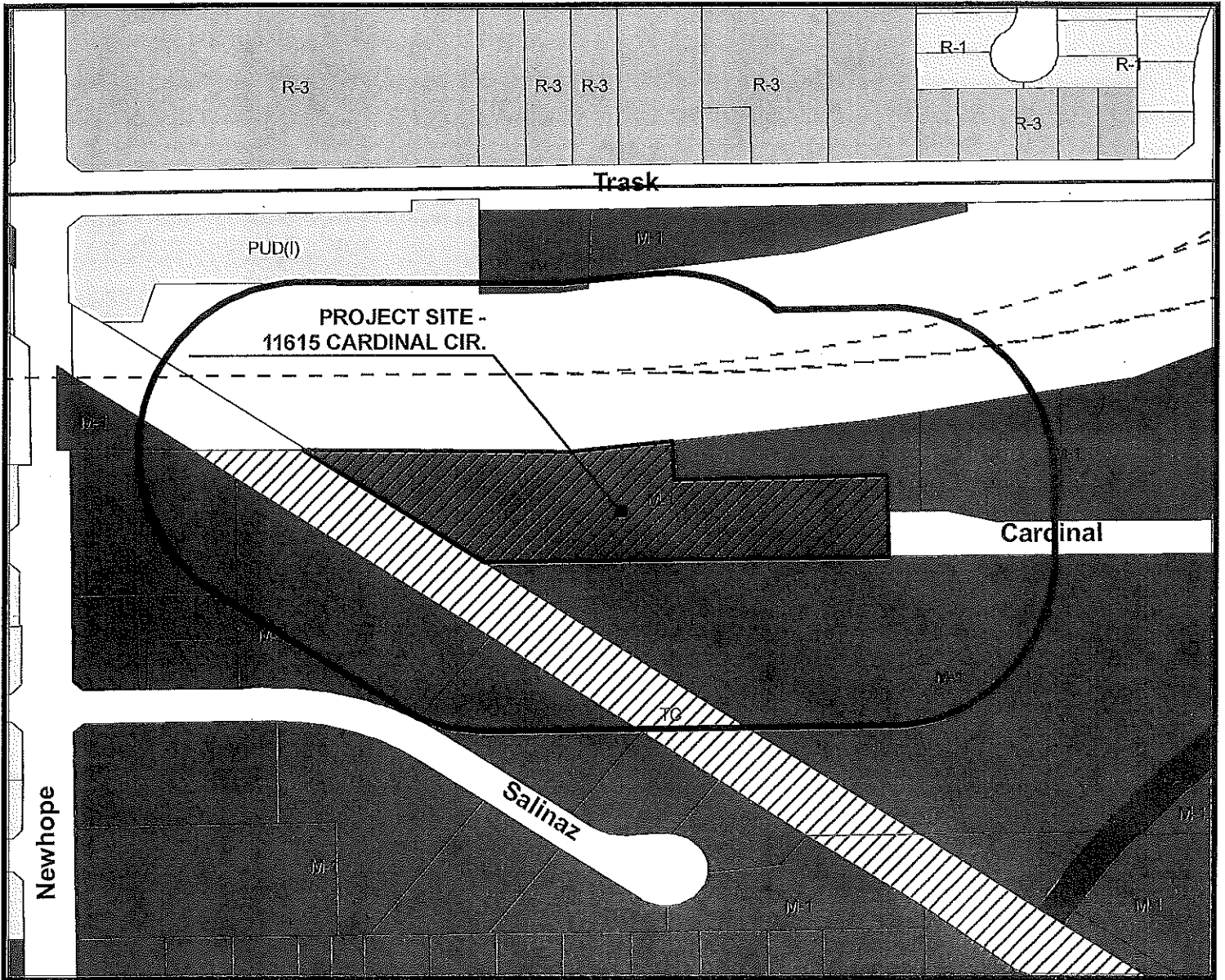


By: Lee Marino
Senior Planner





SITE PLAN NO. SP-012-2014

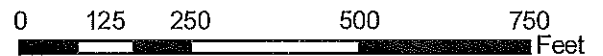
ASSOCIATED ENTITLEMENTS A-011-2014



LEGEND

 PROJECT SITE - 11615 CARDINAL CIRCLE

 300 FEET RADIUS

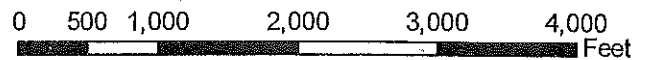
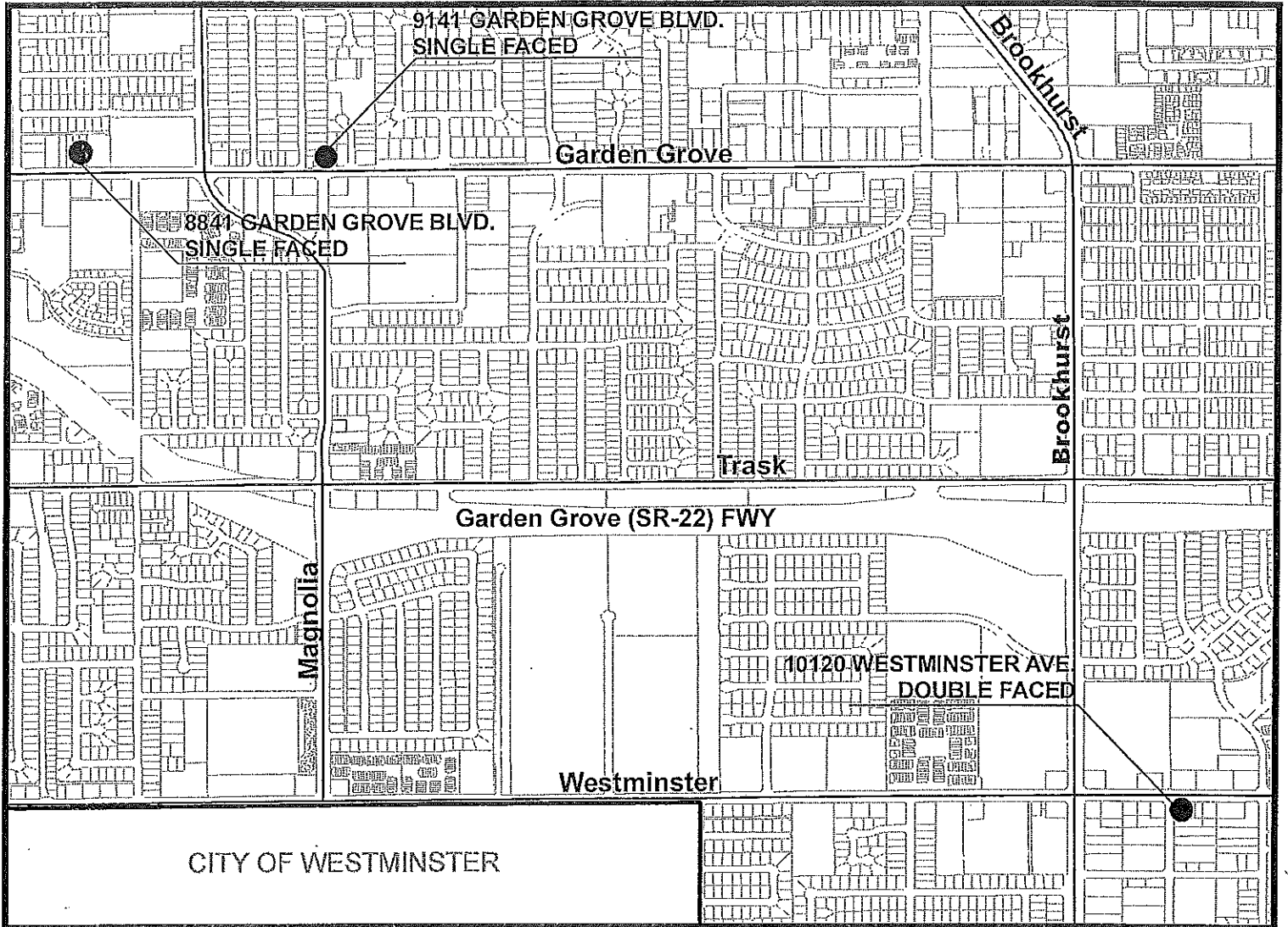


NOTES

1. GENERAL PLAN: INDUSTRIAL
2. ZONE: M-1 (LIMITED INDUSTRIAL)

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
SEPTEMBER 2014

LOCATION OF EXSITING BILLBOARDS TO BE REMOVED



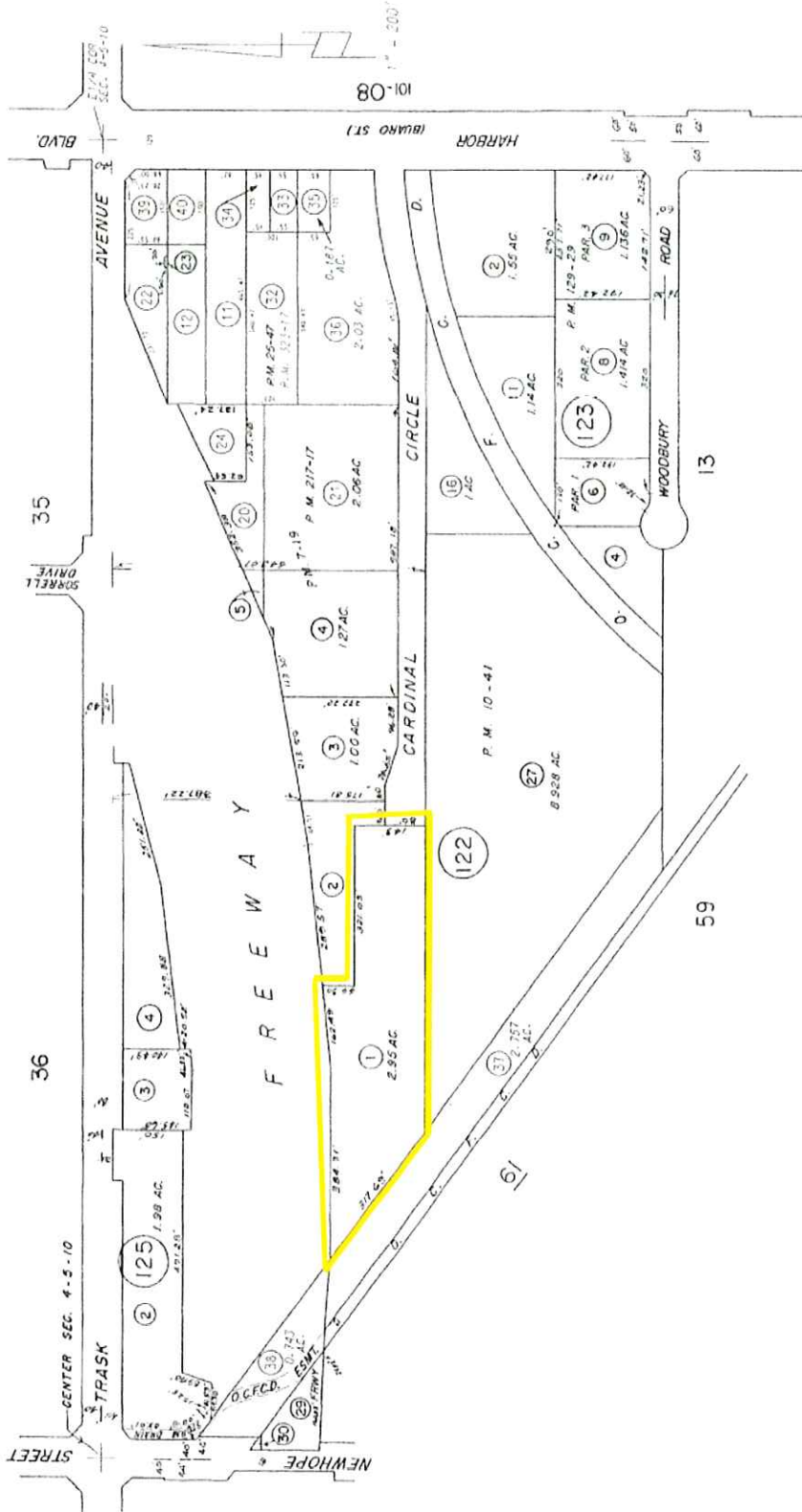
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM

A. Area Map

POR N1/2, SE1/4, SEC. 4, T5S, R10W

100-12

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MARCH 1951

PARCEL MAP

P. M. 25-47, 129-29

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES



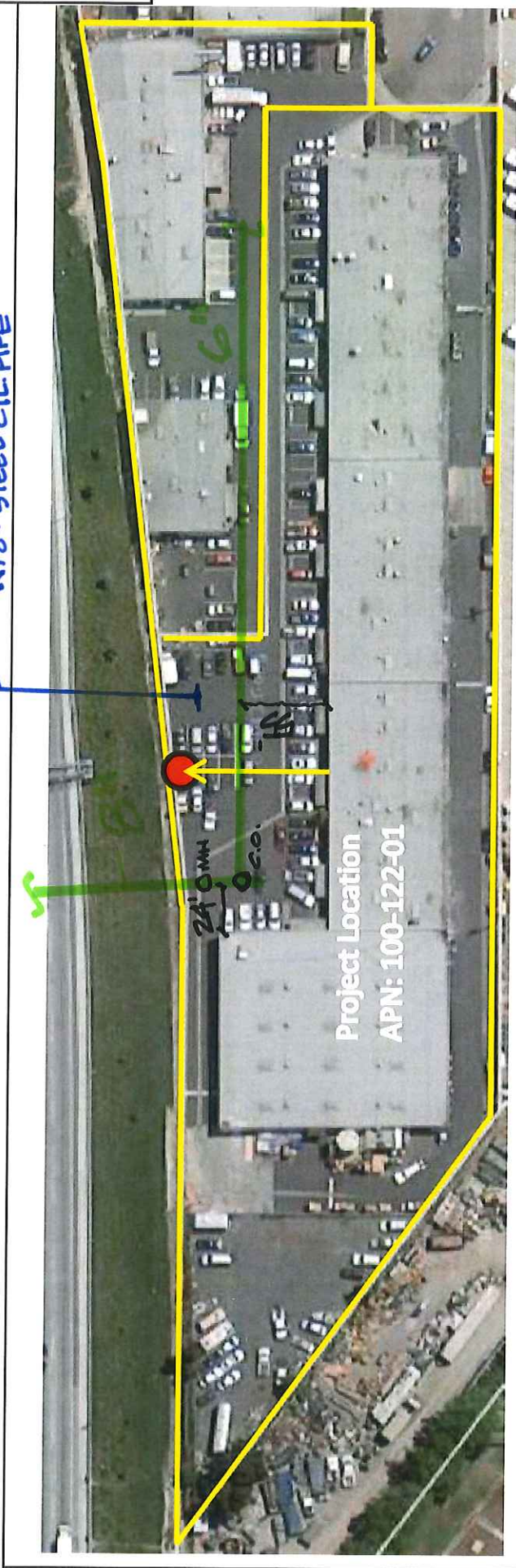
A-011-2014
SP-012-2014

B. Existing Facility Plan

EXIST SINKER

11615 CARDINAL CIR., GARDEN GROVE, CA 92843

RCP
18" CASING
w/ 8" STEEL C/L PIPE



C. Site Plan

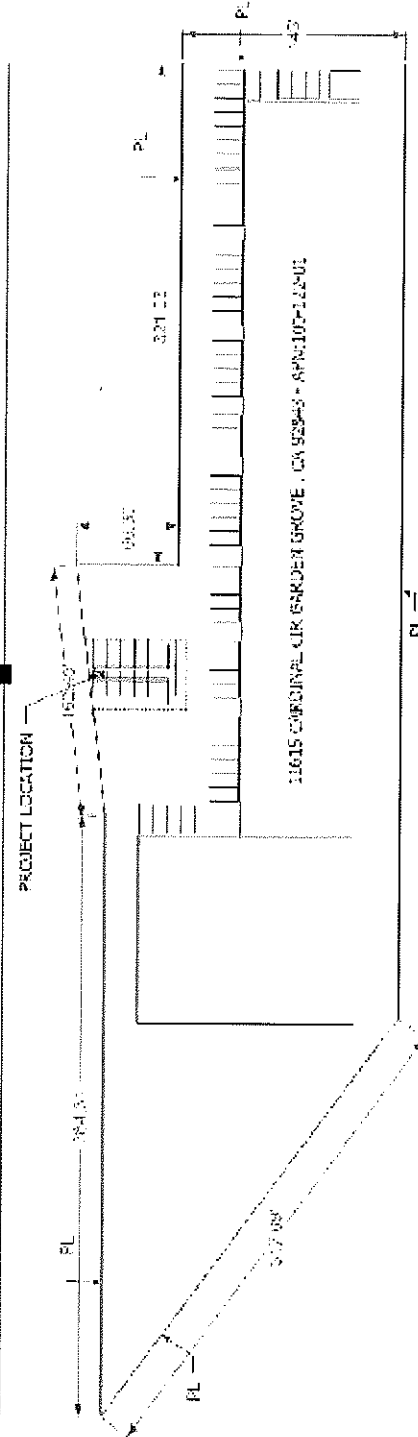
Harbor Blvd

Cardinal Cir



SR 22

CalTrans Directional Sign



PL

11615 CARDINAL CIR (SARDER GROVE - CA 92545 - APN:107-12901)

PROJECT LOCATION

PL

364.33'

162.50'

166.33'

PL

321.22'

PL

143'

PL

377.08'

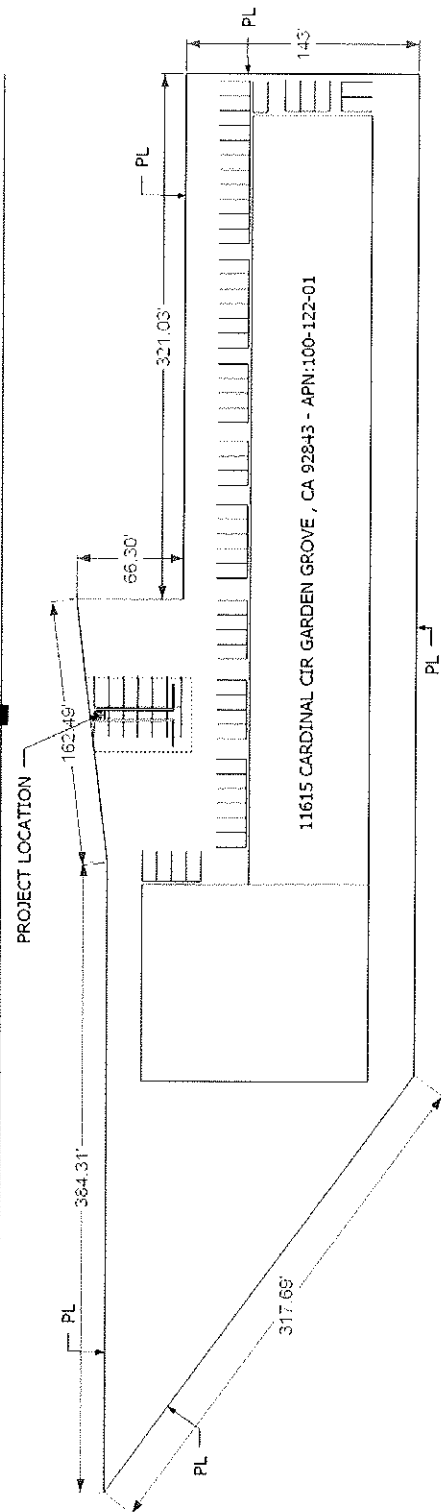
SR 22

Harbor Blvd

Cardinal Cir



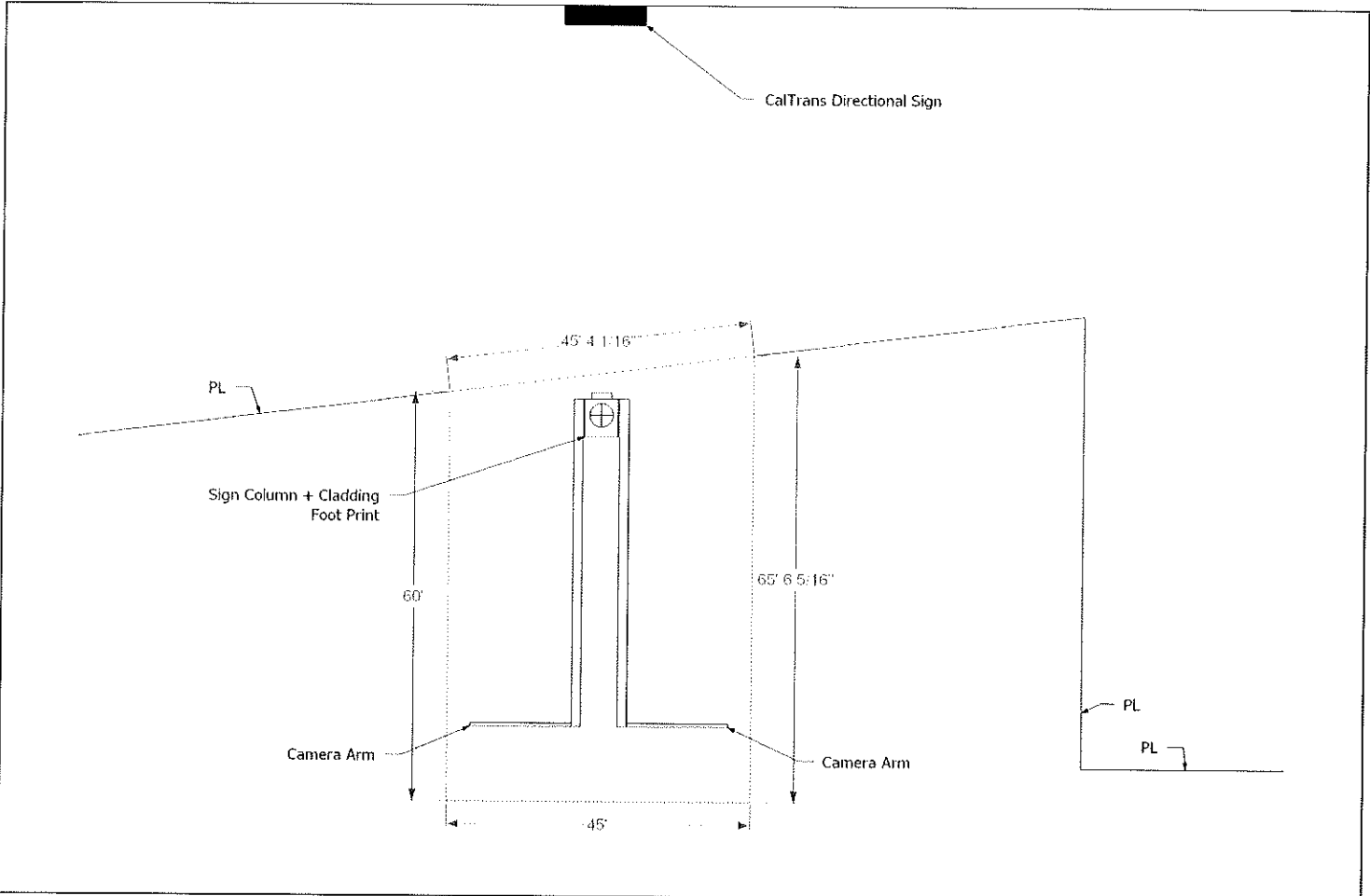
CallTrans Directional Sign



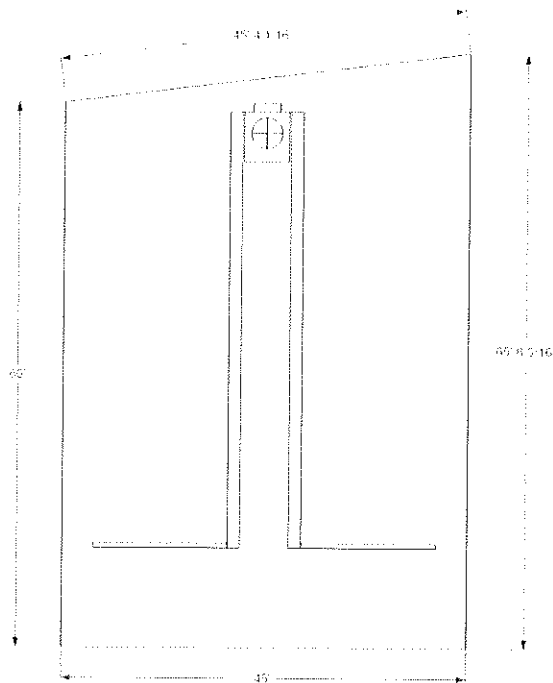
E. Floor Plan

11615 CARDINAL CIR., GARDEN GROVE, CA 92843

APN: 100-122-01



Sign Area



Sign Column + Cladding Foot Print

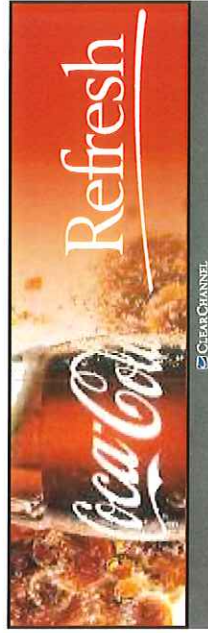
For Reference Only

F. Elevation

West Facing



East Facing



74'
FREEMWAY SIDE

FREEMWAY SIDE



RESOLUTION NO. 5830-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE AMENDMENT NO. A-011-2014, AN AMENDMENT TO CHAPTER 20, SECTION 9.20.110 BILLBOARDS, OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE TO ALLOW EXISTING BILLBOARDS THAT ARE PROPOSED TO BE RELOCATED ALONG THE GARDEN GROVE (22) FREEWAY CORRIDOR TO BE CONVERTED TO ELECTRONIC BILLBOARDS, SUBJECT TO SPECIAL STANDARDS.

WHEREAS, the City of Garden Grove has received an application for (1) Code Amendment No. A-011-2014 to amend Chapter 20, Section 9.20.110 Billboards, of Title 9 of the Garden Grove Municipal Code to allow existing billboards that are proposed to be relocated along the Garden Grove (22) Freeway Corridor to be converted to electronic billboards; and (2) Site Plan No. SP-012-2014 for a billboard relocation in accordance with Garden Grove Municipal Code Section 9.20.110 to land located at west end of the Cardinal Circle cul-de-sac, west of Harbor Boulevard, along the south side of the Garden Grove (22) Freeway, at 11615 Cardinal Circle, Assessor's Parcel No. 100-122-01; and

WHEREAS, if Amendment No. A-011-2014 and Site Plan No. SP-012-2014 are approved, it is contemplated that the City Council will also consider approval of a Relocation Agreement pursuant to Business Professions Code Section 5412 pertaining to the removal of three existing billboard structures within the City and the erection and maintenance of the relocated electronic billboard pursuant to Site Plan No. SP-012-2014; and

WHEREAS, Amendment No. A-011-2014, Site Plan No. SP-012-2014, and the Relocation Agreement are collectively referred to herein as the "Project"; and

WHEREAS, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, an initial study was prepared and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration because the proposed Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and

WHEREAS, the Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on September 18, 2014 and considered all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED as follows:

1. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.
2. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment with mitigation measures.
3. The Planning Commission recommends adoption of the Mitigated Negative Declaration to City Council.
4. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 18, 2014, does hereby recommend that the City Council approve Amendment No. A-011-2014.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-011-2014, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by Clear Channel Outdoor, Inc.
2. The applicant is requesting approval to amend Chapter 20, Section 9.20.110 Billboards, of Title 9 of the Garden Grove Municipal Code to allow existing billboards that are proposed to be relocated along the Garden Grove (22) Freeway Corridor to be converted to electronic billboards.
3. The Community Development Department has prepared a Mitigated Negative Declaration for the Project that (a) concludes that with the appropriate mitigation measures the proposed project cannot, or will not, have a significant adverse effect on the environment, and (b) was prepared and circulated in accordance with applicable law, including CEQA and CEQA's implementing guidelines.
4. Report submitted by City staff was reviewed.
5. Pursuant to legal notice, a public hearing was held on September 18, 2014, and all interested persons were given an opportunity to be heard.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of September 18, 2014; 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 Sections 9.32.030 are as follows:

FACTS:

Over the past few years, the City had received requests from outdoor advertising (billboard) companies, that own billboards within the City to relocate existing vinyl billboards along the Garden Grove (22) Freeway and convert them to electronic billboards. The construction of new billboards is prohibited in the City of Garden Grove. However, pursuant to Garden Grove Municipal Code Section 9.20.110.B, the owner of an existing billboard located within the City may seek to relocate the existing billboard to a new location within the City by filing an application for a site plan approval with the City. The Planning Commission is empowered to approve, deny, or conditionally approve such a site plan application in accordance the criteria set forth in Section 9.20.110.B.

Billboards are defined by the City Code as a sign identifying a use, facility, or service not conducted on the premises, or a product that is produced, sold or manufactured off-site.

Clear Channel Outdoor, Inc., which owns approximately 12 billboards within the City, has submitted a Code Amendment request to amend Chapter 20, Section 9.20.110 (Billboards), of Title 9 of the Garden Grove Municipal Code to permit the owner of an existing billboard within the City to convert and/or relocate and convert such billboard to an electronic billboard, provided such relocated and/or converted billboard is located within the Garden Grove (22) Freeway corridor and meets specified size, spacing, distance, orientation, illumination, display, and requirements and complies with all applicable Federal and State law.

Specifically, the proposed Amendment would add a new Subsection 9.20.110.D (Electronic Billboards Within the Garden Grove (22) Freeway Corridor) to Section 9.20.110 (Billboards) and make minor related changes to the existing provisions of Section 9.20.110 for purposes of clarification and compatibility with new provisions pertaining to electronic billboards.

The proposed Amendment would define electronic billboards and the Garden Grove (22) Freeway Corridor and provide clarification as to where the relocated/converted billboards can be located along the Garden Grove (22) Freeway, establish distance requirements between electronic billboards and other billboards and residentially zoned property, limit the intensity of light, require the removal of vinyl billboards located elsewhere within the City of Garden Grove, limit the size of electronic billboards, require the applicant to enter into a relocation agreement with the City, and require compliance with State and Federal law requirements.

FINDINGS AND REASONS:

1. The proposed Code Amendment is internally consistent with the goals, policies, and elements of the General Plan.

The proposed Amendment includes amendments to Chapter 20, Section 9.20.110 (Billboards), of Title 9 of the Garden Grove Municipal Code to allow existing billboards that are proposed to be relocated along the Garden Grove (22) Freeway Corridor to be converted to electronic billboards. The General Plan does not contain specific policies pertaining to the relocation/removal of existing billboards or the conversion of them to electronic billboards. However, the General Plan does contain policies that promote the use of appropriate and compatible signage within commercial centers and encourages the development of new sign standards that are up to date with current industry designs. Goal LU-6 of the General Plan Land Use Element calls for the "revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City", Policy LU-6.6 provides that the City should "ensure appropriate and compatible signage is provided within commercial centers", and Policy CD-IMP-2D "encourages the development of new sign standards that are up to date with current industry designs". Pursuant to the proposed Code Amendment, an owner seeking to relocate an electronic billboard to the Garden Grove (22) Freeway Corridor will be required to remove at least two existing billboard faces in the City for each converted electronic billboard face installed. The removal of old legal nonconforming billboard signs that are located within established commercial areas, adjacent to residential zones and their relocation to the Garden Grove (22) Freeway Corridor, along with the conversion so the signs to a newer industry standard, will contribute to the overall improvement to the commercial areas and reduce visual blight. Goal LU-4 of the General Plan Land Use Element states that "the City seeks to develop uses that are compatible with one another." Large billboard signs are generally more compatible with commercial/industrial areas adjacent to the Garden Grove (22) Freeway than with the areas in which existing legal non-conforming signs to be removed are located.

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

The proposed Amendment to the regulations pertaining to the electronic billboards along the Garden Grove (22) Freeway Corridor make clear and uniform standards for location, size, frequency of copy change, intensity of light, and removal/relocation of existing billboards within the City of Garden Grove. The standards and requirements are consistent with the both State and Federal guidelines that govern off-premise signage and ensure that that the signs do not create nuisances to the public and adjacent properties.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Code Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D (General Plan Amendment/Code Amendment).
2. The Planning Commission recommends that the City Council adopt an Ordinance approving Amendment No. A-011-2014 and amending Garden Grove Municipal Code Section 9.20.110 as follows (deletions shown in strikeout, additions shown in bolded and underlined text).

SECTION 9.20.110: Billboards

A. Prohibition. **Except for relocations of existing billboards and conversion of existing billboards to electronic billboards pursuant to this Section,** ~~No~~ new billboards shall be constructed within City limits.

B. Relocations of Existing Billboards. An owner of an existing billboard located within the City may apply for a billboard relocation subject to the following procedure and criteria:

1. Process. An applicant for a billboard relocation shall file an application for a site plan approval with the city. The Planning Commission shall be empowered to approve, deny, or conditionally approve the site plan application. The Commission shall apply the criteria as set forth in this subpart in making its determination.
 - a. The Planning Commission shall hold a hearing on the matter and provide notice to property owners of the hearing located within three hundred feet of the relocation site.
2. Criteria. The Planning Commission shall apply the following criteria in making its determination on the site plan:
 - a. The structure shall be constructed on two or less steel supports;
 - b. The relocation site shall be at least three hundred feet from any other existing billboard structure, **and shall also comply with the distance requirements set forth in Subsection D.3.e, if applicable;**
 - c. **Except as otherwise provided in Subsection D,** ~~T~~the height of the sign face shall not exceed fifty feet and the display area should not be less than eight feet from the ground;
 - d. The structure shall incorporate aesthetically pleasing architectural elements to the extent feasible so as to promote compatibility with surrounding properties;

- e. The applicant shall present proof of compliance with any applicable State or Federal law requirements relating to billboard signing and freeway location;
 - f. The structure shall not result in an adverse aesthetic or illumination nuisance upon any surrounding residential neighborhood.
3. Findings. The Planning Commission shall make a finding in approving such a request that the construction of the structure will not have an adverse effect on the public health, welfare, and safety of the community.
- C. Publicly Caused Billboard Relocations. Any proposal to relocate an existing billboard structure which relocation is caused by a city and/or redevelopment agency project shall be subject to the following site plan review process:
1. The City Council shall have sole jurisdiction in considering whether such an application should be approved;
 2. The City Council shall hold a site plan review hearing and utilize the same criteria to be used by the planning commission, except that the city council reserves the right to make exceptions to any of the criteria set forth in Subpart B.2(a.)-(d.).
 3. The City Council shall make the finding that the construction of the structure will not adversely affect the public health, welfare and safety of the community.

D. Electronic Billboards Within the Garden Grove (22) Freeway Corridor.

- 1. For purposes of this Subsection 9.20.020.D, the following terms shall have the following meanings:**
 - a. "Billboard" has the same meaning as defined in Subsection 9.20.020.C.**
 - b. "Electronic billboard" means an internally or externally illuminated billboard that utilizes digital message technology capable of instantaneously changing the static message or copy on the sign electronically.**
 - c. "Garden Grove (22) Freeway Corridor" means the area within the city comprised of the land within three hundred (300) feet of either edge of the California State Route 22 Freeway right-of-way.**

- 2. Notwithstanding any other provision of this Code, subject to the discretionary approval of a site plan application pursuant to Subsections 9.20.110.B or C, above, entry into a relocation agreement with the City in accordance with Business and Professions Code Section 5412, and compliance with the additional requirements set forth below, the owner of an existing billboard within the city may convert and/or relocate and convert such billboard to an electronic billboard, provided such relocated and/or converted billboard is located within the Garden Grove (22) Freeway Corridor. Conversion of an existing billboard to an electronic billboard shall be deemed to be a relocation of an existing billboard that is subject to approval of a site plan application pursuant to Subsection 9.20.110.B. Such relocated and/or converted electronic billboards shall be deemed legal non-conforming uses and structures.**
- 3. In addition to such conditions as may be imposed pursuant to approval of a site plan application for a billboard relocation pursuant to Subsections B and/or C, above, electronic billboards shall be subject to the following criteria and conditions:**

 - a. An electronic billboard may only be located within the Garden Grove (22) Freeway Corridor.**
 - b. Electronic billboards shall comply with all applicable location, distance, size, operational, permit or licensing, and/or other requirements or limits imposed by Federal or State law, including, without limitation, the California Outdoor Advertising Act, California Business and Professions Code Section 5200, et. seq., and its implementing regulations, including applicable amendments thereto. To the extent a conflict arises between any provisions of this Section and applicable Federal or State law, State or Federal law shall control.**
 - c. Each sign face of an electronic billboard shall be oriented primarily for viewing from the Garden Grove (22) Freeway and shall be oriented away from any residentially zoned property.**
 - d. No electronic billboard shall be located on or within 350 feet of any residentially zoned property, as measured from the structural support column of the electronic billboard to the property line.**
 - e. No electronic billboard shall be located within 500 feet of any other billboard located on the same side of the**

freeway or within 1,000 feet of any other electronic billboard or on-premise electronic sign located on the same side of the freeway located on the same side of the freeway.

- f. The permitted height of an electronic billboard shall be determined through the site plan review process and shall be limited to the maximum height necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. Requested height of an electronic billboard shall be justified through a balloon or flag test, or other similar test, conducted at the applicant's cost. Unless special circumstances necessitate a taller sign, as demonstrated through a balloon or flag test, or other similar test, no electronic billboard shall exceed sixty (60) feet in height, as measured from finished grade to the top of the billboard structure.
- g. The area of each electronic billboard sign face, including framing and trim, shall not exceed 680 square feet.
- h. Electronic billboard displays shall contain still or static messages or images only, and no part of the sign structure or image being displayed may move or present the appearance or optical illusion of movement, or include flashing, blinking, or traveling lighting, the varying of light intensity, or any other means not providing constant illumination. Each static message or image shall be displayed for a minimum of eight (8) consecutive seconds before changing, and the transition or blank screen time between one display message and the next shall not exceed one (1) second.
- i. The maximum intensity of light output produced by an electronic billboard display shall be established in relation to the immediate ambient lighting, and each electronic billboard shall incorporate an automatic light sensing device that will adjust the brightness or intensity of light output as ambient light conditions change. The maximum measurable light output of an electronic billboard shall not exceed 0.3 foot-candles above the ambient light level at any time, as measured using a foot-candle meter at a pre-set distance perpendicular to the display face of the electronic billboard. The pre-set distance for measurement of intensity of light output with a foot-candle meter shall vary depending on the size of the sign face, as follows:

<u>Nominal Sign Face Size</u>	<u>Distance To Be Measured From</u>
<u>12' x 25'</u>	<u>150'</u>
<u>10'-6" x 36'</u>	<u>200'</u>
<u>14' x 48' or Greater</u>	<u>250'</u>

Notwithstanding the foregoing, if, at any time, the City Manager determines, in his or her reasonable discretion, that an electronic billboard is causing excessive glare to drivers or nearby businesses or residences, such that it results in a safety hazard or nuisance, the owner or operator of the electronic billboard shall reduce the intensity of light output of the electronic billboard display to the level determined by the City Manager to be necessary to effectively mitigate the safety hazard or nuisance.

- j. Electronic billboard owners and/or operators shall make space available for the display of emergency messaging in accordance with local, regional, and/or state protocols.
- k. As a condition to approval of the relocation and/or conversion of a billboard to an electronic billboard, the owner of the electronic billboard shall execute a relocation agreement with the City pursuant to California Business and Professions Code Section 5412 on terms approved by the City Council in its sole and absolute discretion. At a minimum, such a relocation agreement shall (i) require the permanent removal of a minimum of two (2) existing billboard faces within the City for each new electronic billboard face erected or installed, (ii) provide for mitigation by the owner of aesthetic and/or other impacts caused by the electronic billboard(s), (iii) require the owner to comply with any and all required mitigation measures, conditions of approval, and applicable provisions of this Section and this Code; (iv) provide for the payment by the owner of applicable fees and costs; (v) require each owner to indemnify, defend and hold harmless the City from any and all claims, lawsuits, awards and judgments, including any reasonable attorney's fees and court costs, that may arise from the approval of the relocation and/or conversion of a billboard to an electronic billboard and/or the removal of other existing billboards, pursuant to this Section or any other provision of the Code, subject to the terms of the agreement; and (vi) require the owner(s)/operator(s) of the electronic billboard to donate up to five percent (5%) of the total advertising

time on the electronic billboard to community events, as requested by the City Manager. Nothing herein shall be construed to require the City enter into such an agreement or to allow the relocation of an existing billboard or the conversion of an existing billboard to an electronic billboard.

- I. The owner of an electronic billboard authorized pursuant to this Section may, at its sole option, remove the digital display unit(s) from the billboard structure at any time, for any reason, and temporarily or permanently replace such digital display unit(s) with state-of-the-art non-electronic static sign faces of the same or smaller dimensions.**

RESOLUTION NO. 5831-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-012-2014 FOR A BILLBOARD RELOCATION TO 11615 CARDINAL CIRCLE, ASSESSOR'S PARCEL NO. 100-122-01.

WHEREAS, the City of Garden Grove has received an application for (1) Code Amendment No. A-011-2014 to amend Chapter 20, Section 9.20.110 Billboards, of Title 9 of the Garden Grove Municipal Code to allow existing billboards that are proposed to be relocated along the Garden Grove (22) Freeway Corridor to be converted to electronic billboards; and (2) Site Plan No. SP-012-2014 for a billboard relocation in accordance with Garden Grove Municipal Code Section 9.20.110 to land located at west end of the Cardinal Circle cul-de-sac, west of Harbor Boulevard, along the south side of the Garden Grove (22) Freeway, at 11615 Cardinal Circle, Assessor's Parcel No. 100-122-01; and

WHEREAS, pursuant to Resolution No. 5830-14, adopted September 18, 2014, the Planning Commission has recommended that the City Council adopt a Mitigated Negative Declaration for the project and approve Code Amendment No. A-011-2014.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 18, 2014, does hereby approve Site Plan No. SP-012-2014, subject to the adoption of a Mitigated Negative Declaration for the project by the Garden Grove City Council, the adoption and effectiveness of an Ordinance by the Garden Grove City Council approving Code Amendment No. A-011-2014 in substantially the same form as recommended by the Planning Commission pursuant to Resolution No. 5830-14, and approval by the City Council of a Relocation Agreement between the City and the Applicant.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-012-2014, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Clear Channel Outdoor, Inc.
2. The applicant requests approval of Site Plan No. SP-012-2014 to relocate three (3) existing billboard structures and convert them into one (1) two-sided electronic billboard located along the Garden Grove (22) Freeway at 11615 Cardinal Circle in the M-1(Limited Industrial) zone.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with the proposed mitigation

measures cannot, or will not, have a significant effect on the environment. The Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines. Pursuant to Resolution No. 5830-14, adopted September 18, 2014, the Planning Commission recommended that the City Council adopt the Mitigated Negative Declaration for the project.

4. The property has a General Plan Land Use designation of Industrial and is currently zoned M-1 (Limited Industrial). The site is currently developed with a multi-tenant industrial development.
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 September 18, 2014, 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 September 18, 2014 and considered all oral and written testimony presented regarding the project.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.12.020 and 9.24.030, are as follows:

FACTS:

The construction of new billboards is prohibited in the City of Garden Grove. However, pursuant to Garden Grove Municipal Code Section 9.20.110.B, the owner of an existing billboard located within the City may seek to relocate the existing billboard to a new location within the City by filing an application for a site plan approval with the City. The Planning Commission is empowered to approve, deny, or conditionally approve such a site plan application in accordance the criteria set forth in Section 9.20.110.B.

The project applicant proposes to permanently remove four (4) existing non-electronic billboard sign faces and associated structures in the City and to construct and operate one (1) new electronic billboard in the City utilizing a state-of-the-art two-sided digital display.

The locations of the existing billboards that will be removed are:

- 9141 Garden Grove Boulevard (single faced sign);

- 8841 Garden Grove Boulevard (single faced sign); and
- 10120 Westminster Avenue (double faced sign).

The proposed new digital billboard will be located on a parcel along the south side of the Garden Grove (22) Freeway. Column placement of the billboard is located at 11615 Cardinal Circle, in the northern side of the parking lot of an industrial site. The site is 2.95 acres in area, and currently developed with a multi-tenant industrial development.

The site has a General Plan Land Use designation of Industrial and is zoned M-1 (Limited Industrial). Surrounding land uses include industrial uses to the south and west, the OCTA right-of-way to the west, and the SR-22 Freeway to the north. There are no adjacent residential areas near the proposed billboard location.

Various federal and state laws and regulations apply to digital signs and billboards located along highways. The proposed new electronic billboard has been sited and designed to comply with all applicable size, spacing, and distance limits imposed by Federal and/or State law. In addition, the sign will be subject to all applicable operational limits and requirements imposed by Federal and/or State law. The applicant will be required to obtain a permit from the California Department of Transportation prior to erecting and operating the proposed electronic billboard.

The application for Site Plan No. SP-012-2014 is being processed in conjunction with Code Amendment No. A-011-2014. On September 18, 2014, the Planning Commission adopted Resolution No. 5830-14, recommending that the City Council approve Amendment No. A-011-2014. Approval of the subject Site Plan No. SP-012-2014 application will not be effective until and unless the City Council adopts an Ordinance approving Amendment No. A-011-2014.

The Garden Grove Municipal Code currently does not permit relocated billboards to be converted to electronic billboards. Amendment No. A-011-2014 would amend Garden Grove Municipal Code Section 9.20.110 to permit the owner of an existing billboard within the City to convert and/or relocate and convert such billboard to an electronic billboard, provided such relocated and/or converted billboard is located within the Garden Grove (22) Freeway corridor and meets specified size, spacing, distance, orientation, illumination, display, and requirements and complies with all applicable Federal and State law. The proposed new electronic billboard has been sited and designed to comply with the development requirements that would be established pursuant to proposed Amendment No. A-011-2014 and would be subject to the operational requirements that would be established pursuant to proposed Amendment No. A-011-2014 for the life of the sign.

In addition, pursuant to proposed Amendment No. A-011-2014, as a condition to approval of the relocation and/or conversion of a billboard to an electronic billboard, the owner of the electronic billboard will be required to enter into a relocation

agreement with the City pursuant to Business Professions Code Section 5412 on terms approved by the City Council, which, among other things, requires the permanent removal of a minimum of two (2) existing billboard faces within the City for each new electronic billboard face erected or installed, provides for mitigation of aesthetic or other impacts by the owner, requires the owner to comply with all required mitigation measures and conditions of approval imposed through the site plan review process, and requires the owner(s)/operator(s) of the electronic billboard to donate up to 5% of the total advertising time on the electronic billboard to community events.

Pursuant to proposed Amendment No. A-11-2014, the permitted height of an electronic billboard within the Garden Grove (22) Freeway Corridor is to be determined through the site plan review process and shall be limited to the maximum height necessary to ensure adequate visibility from the Garden Grove (22) Freeway. The maximum permitted height of such an electronic billboard would be limited to 60 feet, as measured from finished grade to the top of the billboard structure, unless special circumstances necessitate a taller sign, as demonstrated through a balloon or flag test, or other similar test.

In addition to sound attenuation walls located along the freeway, there is an approximately 30-foot differential between the finished grade on which the base of the support structure of the proposed sign is to be located and the grade of the adjacent Garden Grove (22) Freeway. A flag test conducted on August 7, 2014 demonstrated that, due to these and other special circumstances, the minimum height of a sign at the proposed locations necessary to ensure adequate visibility of the displays from the Garden Grove (22) Freeway is approximately 74 feet, as measured from the finished grade on which the base of the support structure will be erected. At this height, the top of the sign would be approximately 44 feet above the grade of the Garden Grove (22) Freeway at the point adjacent to the sign.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and the General Plan.

Approval of the proposed Site Plan will result in the permanent removal of three (3) existing legal non-conforming billboard structures and four (4) billboard sign faces from commercial corridors and areas in the City and the relocation of a single freeway-oriented sign structure to an industrial property, which is located adjacent to the Garden Grove (22) Freeway, is surrounded by other industrial uses and the OCTA right-of-way, and is not located in proximity to any residential areas or sensitive receptors,

While the General Plan does not specifically contain policies pertaining to the relocation/removal of existing billboards or the conversion of them to electronic billboards, the General Plan does contain policies that promote the use of appropriate and compatible signage in commercial areas and encourages the development of new signs that are up to date with current industry designs. Goal LU-6 of the General Plan Land Use Element calls for the "revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City", Policy LU-6.6 provides that the City should "ensure appropriate and compatible signage is provided within commercial centers," and Policy CD-IMP-2D "encourages the development of new sign standards that are up to date with current industry designs. The removal of the existing old legal non-conforming billboards located in established commercial areas, adjacent to residential zones, and their relocation to the Garden Grove (22) Freeway Corridor, along with the conversion of the signs to a new industry standard, will contribute to the overall improvement to these commercial areas, thereby reducing visual blight. Goal LU-4 of the General Plan Land Use Element states that "the City seeks to develop uses that are compatible with one another." Large billboard signs are more compatible with the proposed freeway-adjacent industrial relocation site than with the areas in which the existing legal non-conforming signs to be removed are located.

Although the construction of new billboards in the City is prohibited by Title 9, the relocation of existing billboards within the City is permitted pursuant to site plan approval by Garden Grove Municipal Code Section 9.20.110. The proposed Site Plan is being processing in conjunction with Code Amendment No. A-011-2014. On September 18, 2014, the Planning Commission adopted Resolution No. 5830-14, recommending that the City Council approve Amendment No. A-011-2014. Approval of the subject Site Plan No. SP-012-2014 application will not be effective until and unless the City Council adopts an Ordinance approving Amendment No. A-011-2014. Proposed Amendment No. A-011-2014 would amend Garden Grove Municipal Code Section 9.20.110 to permit the owner of an existing billboard within the City to convert and/or relocate and convert such billboard to an electronic billboard, provided such relocated and/or converted billboard is located within the Garden Grove (22) Freeway corridor and meets specified size, spacing, distance, orientation, illumination, display, and requirements and complies with all applicable federal and state law. The proposed new electronic billboard has been sited and designed to comply with the development requirements that would be established pursuant to proposed Amendment No. A-011-2014 and would be subject to the operational requirements that would be established pursuant to proposed Amendment No. A-011-2014 for the life of the sign. Provided Amendment No. A-011-2014 is approved and becomes effective, the Site Plan and proposed relocated sign will be in full compliance with the provisions and requirements of Title 9.

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

The installation of the proposed billboard structure will require the relocation of one parking space. The parking space will be relocated, thereby maintaining the number of parking spaces that were originally approved for the development. Sufficient parking is provided, and adequate pedestrian access will remain within the project.

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

The installation of the proposed billboard structure will not negatively impact the existing public facilities and will not require additional improvements to public facilities to accommodate the sign. The existing streets, utilities and drainage facilities within the area are adequate to accommodate the existing development and proposed billboard structure. The on-site circulation and parking are sufficient for the existing and proposed development.

4. The project will not adversely impact the Public Works Department's ability to perform its required function.

The project has been reviewed by the Public Works Department. The installation of the billboard structure will not require any on or off-site improvements. Therefore, no impact to the Public Work Departments ability to perform is required functions is anticipated.

5. The project is compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The proposed electronic billboard is proposed to be located within an existing industrial area, along the Garden Grove (22) Freeway Corridor. The billboard structure has been designed to comply with all the standards setforth the associated Code Amendment No. A-011-2014 as well as with State and Federal Guidelines for off-premise advertising signs. Provided that that the billboard complies with all City, State, and Federal requirements the billboard will be compatible with the physical, functional and visual quality of the neighboring uses. Additionally, the removal of the three existing billboard structures located within the City will assist in improving the visual and physical quality of neighborhoods they are located in.

6. That 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 only

involves the removal and relocation of billboard sign structures and does not include the construction of any buildings. The proposed electronic billboard will be located on an industrial site. Accordingly, the project will not impact the attractiveness of the environment of any occupants of the property.

7. Construction of the proposed electronic billboard structure will not have an adverse effect on the public health, welfare, and safety of the community.

The proposed electronic billboard will be located on a 2.95 acre industrially zoned parcel that is located along the south side of the Garden Grove (22) Freeway, is developed with an existing multi-tenant industrial development, and is surrounded by other industrial uses and the OCTA right-of-way. There are no adjacent residential areas or sensitive receptors near the proposed billboard location, and the display surfaces of the proposed billboard will be oriented toward the freeway and away from other properties. The proposed electronic billboard structure has been sited and designed to comply with all applicable development standards, and will be subject to all operational requirements, imposed by Federal and/or State law and to be established pursuant to proposed Amendment No. A-011-2014. These provisions will impose limits and requirements on the size, spacing, distance, orientation, illumination, and display characteristics of the electronic billboard sign in a manner that will minimize the potentially adverse impacts on other land uses and drivers. In addition, approval of the Site Plan has been made subject to Conditions of Approval to further ensure construction and operational impacts are minimized. Further, the applicant and its successors will be required to comply with and implement all mitigation measures identified in the Mitigated Negative Declaration to mitigate potentially significant environmental impacts. Due to special circumstances, the 74 foot height of the proposed electronic billboard sign is the minimum necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. The location and orientation of the proposed billboard sign, the requirement that the applicant enter into a relocation agreement with the City, and the required compliance by the applicant and its successors with applicable State and Federal laws, the provisions of the Garden Grove Municipal Code, and the required mitigation measures, will ensure that any potentially adverse light, glare, or aesthetic impacts on surrounding properties are avoided or minimized.

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 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 Sections 9.24.030 (Site Plan) and 9.20.110 (Billboards).

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-012-2014.
3. Approval of this Site Plan shall be contingent upon the approval of Code Amendment No. A-011-2014 by the Garden Grove City Council. Site Plan No. SP-012-2014 shall not become effective until and unless an Ordinance adopted by the Garden Grove City Council approving Amendment No. A-011-2014 in substantially the same form as recommended by the Planning Commission becomes effective and the City Council approves a Relocation Agreement with the Applicant. In the event that Code Amendment No. A-011-2014 and/or a Relocation Agreement with the Applicant is not approved by the City Council, the City's approval for SP-012-2014 shall be deemed null and void and of no effect.

EXHIBIT "A"

CONDITIONS OF APPROVAL

For

Site Plan No. SP-012-2014

11615 Cardinal Circle

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 Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval.
2. The term "Applicant", as used herein, shall mean and refer to each of the following: the project applicant, Clear Channel Outdoor, Inc., the owner(s) of the property on which the relocated billboard is located, any future tenant of said property operating under this Site Plan approval, and each of their respective successors and assigns.
3. All Conditions of Approval set forth herein shall be binding on and enforceable against the "Applicant" as defined above. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Except as otherwise expressly provided in these Conditions of Approval, any changes to the Conditions of Approval require approval by the Planning Commission.
4. Site Plan No. SP-012-2014 shall not become effective until and unless an Ordinance adopted by the Garden Grove City Council approving Amendment No. A-011-2014 in substantially the same form as recommended by the Planning Commission becomes effective and the City Council approves a Billboard Relocation Agreement with the Applicant. In the event that Code Amendment No. A-011-2014 and/or a Billboard Relocation Agreement with the Applicant is not approved by the City Council, the City's approval for SP-012-2014 shall be deemed null and void and of no effect. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The Applicant shall obtain and abide by any necessary permits or licenses required to demolish and remove the existing billboards and to erect and operate the proposed electronic billboard structure, in compliance with all applicable laws.
5. Minor modifications to the site plan or these Conditions of Approval may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the site plan or to these Conditions of Approval

determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the Planning Commission or other applicable City hearing body.

6. The approved site plan, elevations and the use of the subject property as represented by the Applicant are integral parts of the decision approving this Site Plan. Before major modifications may be made to the approved plans or use that result in the intensification of the approved use or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

Building Services Division

7. The billboard structure shall comply with the California Building Standards Code.

Fire Department

8. The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times.

Community Development Department

9. This approval shall be for a billboard relocation pursuant to Garden Grove Municipal Code Section 9.20.110.B. Specifically, this approval authorizes the demolition and permanent removal of three existing legal non-conforming billboard structures in the City and the installation of a relocated double-faced freeway oriented electronic billboard sign along the Garden Grove (22) Freeway in compliance with the approved set of plans submitted with the subject Site Plan request and the requirements of Garden Grove Municipal Code Section 9.20.110 (Billboards), as amended pursuant to Amendment No. A-011-2014. The Applicant's rights and obligations regarding maintenance and removal of the relocated billboard structure and sign faces shall be as established in the Relocation Agreement approved by the City Council. This Site Plan approval shall not result in the granting of any rights to the Applicant with respect to maintenance and removal of the relocated billboard than are greater than as established in the Relocation Agreement or possessed with respect to any of the legal non-conforming billboards to be removed pursuant to this Site Plan approval.
10. The maximum height of the billboard sign shall be 74-feet as measured from grade to top of sign. The electronic billboard faces shall not be larger than 14-feet high x 48-feet wide (672 square feet).

11. The design of the sign shall be consistent with the design approved by the Planning Commission and shown on the submitted plans. Color and material samples of the metal cladding shall be submitted to, and approved by, the Planning Division prior to issuance of building permits.
12. The sign faces of the relocated billboard shall be oriented toward the freeway and shall not cause excessive light and glare impacts on the freeway, adjacent streets or adjacent properties. The sign shall comply with all standards, requirements and limits applicable to illumination, light output, and message/image display set forth in Garden Grove Municipal Code Section 9.20.110.
13. The Applicant and the proposed relocated billboard shall comply with all applicable location, distance, size, operational, permit or licensing, and/or other requirements for off-premise electronic signs adjacent to the freeway right-of-way imposed by Federal or State law, including without limitation, the California Outdoor Advertising Act, California Business and Professions Code Section 5200, et. seq., and its implementing regulations, including applicable amendments thereto. To the extent such State or Federal requirements are stricter or more limiting than the requirements imposed pursuant to these Conditions of Approval, the stricter or more limiting State or Federal requirements shall apply. The Applicant shall demonstrate compliance with all applicable State and Federal requirements to the reasonable satisfaction of the Community Development Director prior to issuance of building permits and for as long as the relocated billboard remains in place on the property.
14. The Applicant shall make space available for the display of emergency messaging in accordance with local, regional, and/or state protocols.
15. In accordance with Garden Grove Municipal Code Section 9.20.110.D Applicant's permanent removal of at least four (4) existing billboard sign faces and associated structures located within the City is an express condition to the City's approval of this Site Plan. Pursuant to the Applicant's proposal, three (3) existing billboard structures with a total of four (4) sign faces located within the City of Garden Grove will be permanently removed. The removal of these existing billboard structures shall be completed prior to issuance of building permits for the construction and installation of the proposed relocated electronic billboard sign.
16. The applicant shall enter into a Billboard Relocation Agreement with the City pursuant to Garden Grove Municipal Code Section 9.20.110.D. Said Agreement shall be approved by the City Council and fully executed prior to issuance of building permits for the relocated billboard sign. The schedule of performance for removal of existing billboards and installation/relocation of new electronic billboard, the time frame for Applicant's maintenance and

eventual removal of the relocated billboard on the subject property, the implementation of applicable mitigation measures, and the donation of advertising time on the billboard for community events to the City shall be as set forth in the Billboard Relocation Agreement.

17. Permissible hours and days of construction of the proposed electronic billboard and demolition/removal of existing billboards 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.
18. The Applicant shall fully comply with and implement all mitigation measures identified in the Mitigated Negative Declaration adopted in conjunction with the approval of Site Plan No. SP-012-2014 and Code Amendment No. A-011-2014. Specifically, and without limitation, such mitigation measures include the following:
 - a. The Applicant shall demonstrate compliance with a maximum 0.3 foot candle increase over ambient light at 250 feet from the sign face at all times upon initial start-up through field testing. If subsequent complaints consisting of direct personal impacts are received by the City of Garden Grove, the applicant shall be required to fund follow-up field testing by an independent contractor or City staff trained in the use of a handheld photometer to demonstrate continued compliance and/or to determine the light intensity level that is necessary to reduce the direct personal impacts to a non-nuisance level.
 - b. The electronic billboard shall be installed with sensors which automatically lower light output in accordance with atmospheric conditions (i.e., cloudy or overcast weather). Throughout sign operation, the dimness setting of the LED sign shall be adjusted in real time so it does not exceed the level of illumination identified under Mitigation Measure AE-1.
 - c. The operation of the electronic billboards shall comply with the following at all times:
 - No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display;
 - The minimum display duration time for messages shall be not less than 8 seconds, and the minimum display time between messages shall be not more than 1 second;
 - The minimum font size shall be established for the maximum speed on SR-22 freeway. The font size standard shall be in accordance with the sign industry's best practices formula.

- Prior to implementing any of the following, the operator shall submit a request and obtain permission from the City: installing, implementing or using any technology that will allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to, a radio frequency identification device, geographic positions system, or other device.
 - In the event of any failure or combination of failures that affect the digital billboards' luminance, the operator shall impose a default to an output level no higher than 4 percent of the maximum luminance of the billboard. If this cannot be achieved, then the display shall be required to default to an "off" position until the problem can be resolved.
- d. The operator of any digital billboard operated within the City of Garden Grove shall submit, within 30 days following June 30 of each year, a written report regarding operation of each digital billboard during the preceding period of July 1 to June 30. The operator may submit a combined report for all such digital billboards operated by such operator within the City limits. The report shall, when appropriate, identify incidents or facts that relate to specific digital billboards. The report shall be submitted to the Office of the City Manager and the City Attorney, and shall include the following information:
- Status of the operator's license as required by California Business and Professions Code Section 5300 et seq.;
 - Status of the required permit for individual digital billboards, as required by California Business and Professions Code Section 5350 et seq.;
 - Compliance with the California Outdoor Advertising Act, California Business and Professions Code Section 5200 et. seq. and all regulations adopted pursuant to such Act;
 - Compliance with California Vehicle Code Sections 21466.5 and 21467;
 - Compliance with provisions of written agreements between the U.S. Department of Transportation and the California Department of Transportation pursuant to the Federal Highway Beautification Act (23 U.S.C. § 131);
 - Compliance with mitigation measures and/or conditions of approval adopted as part of the project approval;
 - Each written or oral complaint received by the operator, or conveyed to the operator by any government agency or any other person, regarding operation of digital billboards within the City of Garden Grove;
 - Each malfunction or failure of a digital billboard operated by the operator within the City of Garden Grove, which shall include only those malfunctions or failures that are visible to the naked eye,

- including reason for the malfunction, duration and confirmation of repair; and
- Operating status of each digital billboard operated by the operator within the City of Garden Grove, including estimated date of repair and return to normal operation of any digital billboard identified in the report as not operating in normal mode.
- e. During excavation and grading activities, if archaeological resources are discovered the project contractor shall stop all work and shall retain a qualified archaeologist to evaluate the significance of the finding and appropriate course of action. Salvage operation requirements pursuant to Section 15064.5 of the *CEQA Guidelines* shall be followed and the treatment of discovered Native American remains shall comply with State codes and regulations of the Native American Heritage Commission.
19. 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-012-2014, Amendment No. A-011-2014, and/or the Billboard Relocation Agreement. 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.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: West side of Newhope Street and north of Westminster Avenue, at 13831 Newhope Street
HEARING DATE: September 18, 2014	GENERAL PLAN: Industrial
CASE NO.: Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014)	ZONE: M-1 (Light Industrial)
APPLICANT: Yong Ju Kwon	CEQA DETERMINATION: Exempt
PROPERTY OWNER(S): Janet Lee	APN: 100-141-06

REQUEST:

The applicant is requesting approval for a modification to the approved plans, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, to allow a first and second floor addition to an existing two-story office building. The site is currently operating as a contractor's storage yard (and will continue to operate as a contractor's storage yard). The existing two-story building has a floor area of 3,353 square feet on the first floor, and 1,706 square feet on the second floor. The applicant is proposing to add 1,105 square feet to the first floor, and 1,824 square feet to the second floor. The total gross floor area of the building, including the addition, will be 7,988 square feet.

BACKGROUND:

The subject property is approximately 25,740 square feet in area and is located on the west side of Newhope Avenue, north of Westminster Avenue. The property is zoned M-1 (Light Industrial) and has a General Plan Land Use Designation of Industrial. The subject property is adjacent to M-1 zoned properties to the north, south, and across Newhope Street, to the east, and an O-S (Open Space) zoned property to the west. The subject property is currently improved with an existing two-story building and a contractor's storage yard use. The applicant has proposed to construct an addition to the first and second floors of the existing building, which has prompted the necessity to approve modifications to the approved Site Plan and Conditional Use Permit.

CASE NO. SP-307-02 (REV. 2014) & CUP-604-02 (REV. 2014)

On July 18, 2002, the City of Garden Grove approved Site Plan No. SP-307-02 to allow the construction of a two-story office building, and approved Conditional Use Permit No. CUP-604-02 to allow the operation of a contractor's storage yard. A Development Agreement was also approved.

On June 9, 2010, the City of Garden Grove approved a Minor Modification to the approved floor plan under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02. The Minor Modification permitted the conversion of an existing garage area, located on the eastern side of the first floor of the building, into office area as well as the construction of a twenty-seven (27) square foot hallway. The existing roll-up doors were replaced with windows and the façade of the building made to match the existing exterior of the building. The other existing garage area, with two (2) roll-up doors, located on the west side of the building remained as is.

DISCUSSION:

SITE PLAN:

Site Design, Circulation & Floor Plan:

The applicant is requesting approval for a modification to the approved plans, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02.

The existing two-story building has a floor area of 3,353 square feet on the first floor, and 1,706 square feet on the second floor. The applicant is proposing to construct an addition at the rear (on the west side) of the existing building. While the aforementioned Minor Modification, approved on June 9, 2010, allowed the existing garage area on the east side of the building to be converted into office area, the existing garage area to the west remained as is, with two (2) roll-up doors. The applicant is proposing to convert this remaining garage area on the west side of the building, to additional office area, as well as to remove the existing two (2) roll-up doors by replacing them with filled-in walls and new windows.

Furthermore, the applicant also is proposing to expand the existing two-story office building by adding 1,105 square feet to the first floor, and 1,824 square feet to the second floor. The first floor addition will consist of a 648 square foot storage room, for indoor storage use as part of the contractor's storage yard. The first floor addition will also consist of a 457 square foot employee lounge room. The second floor addition will consist of a 1,824 square foot office area accessed from the existing staircase and second floor. Therefore, the total gross floor area of the two-story building, including the proposed additions, will be 7,988 square feet.

The proposed office use is parked at one (1) parking space per 250 square feet of gross floor area. Thus, based on the gross floor area of 7,988 square feet, Code requires a minimum of thirty-two (32) parking spaces. The proposed site plan provides a total of thirty-two (32) parking spaces available, which meets the minimum number of required parking spaces by Code. Of the thirty-two (32) parking spaces, twenty-four (24) will be standard (9' x 19'), six (6) will be compact spaces (8' x 15'), and two (2) will be handicap parking spaces.

Building Design:

The architectural style of the existing building is contemporary Mediterranean consisting of off-white stucco exterior with wrought iron detailing window treatments. The roof is terra cotta colored, lightweight barrel tile. The proposed addition will architecturally match the existing building using the same stucco finish, window treatment, and roofing tiles.

Landscaping:

All existing landscaping on-site will remain, as previously approved under SP-307-02 and CUP-604-02, with a total of 2,052 square feet of landscaping provided along the Newhope Street frontage. The existing landscaping consists of 24-inch box trees, shrubbery, ground cover, and lawn. Staff has observed that the site frontage and landscaping is well maintained and the remaining areas of the site kept clean.

Signage:

The applicant is not proposing to modify the existing signage. Thus no changes will be made to the existing building elevation facing the Newhope Street frontage.

CONDITIONAL USE PERMIT:

Condition No. D, of the Conditions of Approval approved under Conditional Use Permit No. CUP-604-02, states: "The approved floor plan and the use of the subject property are integral parts of the decision approving this Site Plan [SP-307-02] and Conditional Use Permit [CUP-604-02] applications. There shall be no change in the design of the floor plan and the operation of contractor storage yard without the approval of the Community Development Department. Any change in the approved floor plan or the use of the subject property which has the effect of expanding or intensifying the proposed development shall require a new Site Plan and/or Conditional Use Permit." Furthermore, Condition No. C states: "If other than minor changes are made in the proposed development, a Site Plan and/or Conditional Use Permit application shall be filed which reflects the revisions made to, or changes to the design/placement of the new building." The applicant is

CASE NO. SP-307-02 (REV. 2014) & CUP-604-02 (REV. 2014)

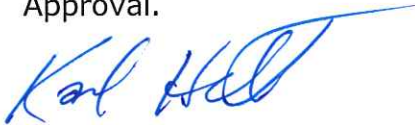
proposing to add significantly more office space and building area to the site, while maintaining the development as a contractor's storage yard use. Included in the proposal is an outdoor storage space, behind the building to the west, and an indoor storage room, located on the west side of the building. These two spaces will be utilized as storage space for the contractor's storage yard. At no time shall the existing development convert to or be used solely as an office use, as office-only uses are not permitted in the M-1 (Light Industrial) zone. Staff has determined that the applicant's proposal to construct the two-story addition to the existing two-story office building is an expansion and intensification of the contractor's storage yard development, which requires the approval of a new Site Plan and Conditional Use Permit.

All Conditions of Approval, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, and contained in Resolution No. 5298, shall remain in full force and effect, except as modified herein and contained in "Exhibit A," approved under Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014). This application solely pertains to a modification to the approved plans approved under SP-307-02 and CUP-604-02.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014), subject to the recommended Conditions of Approval.



KARL HILL
Planning Services Manager

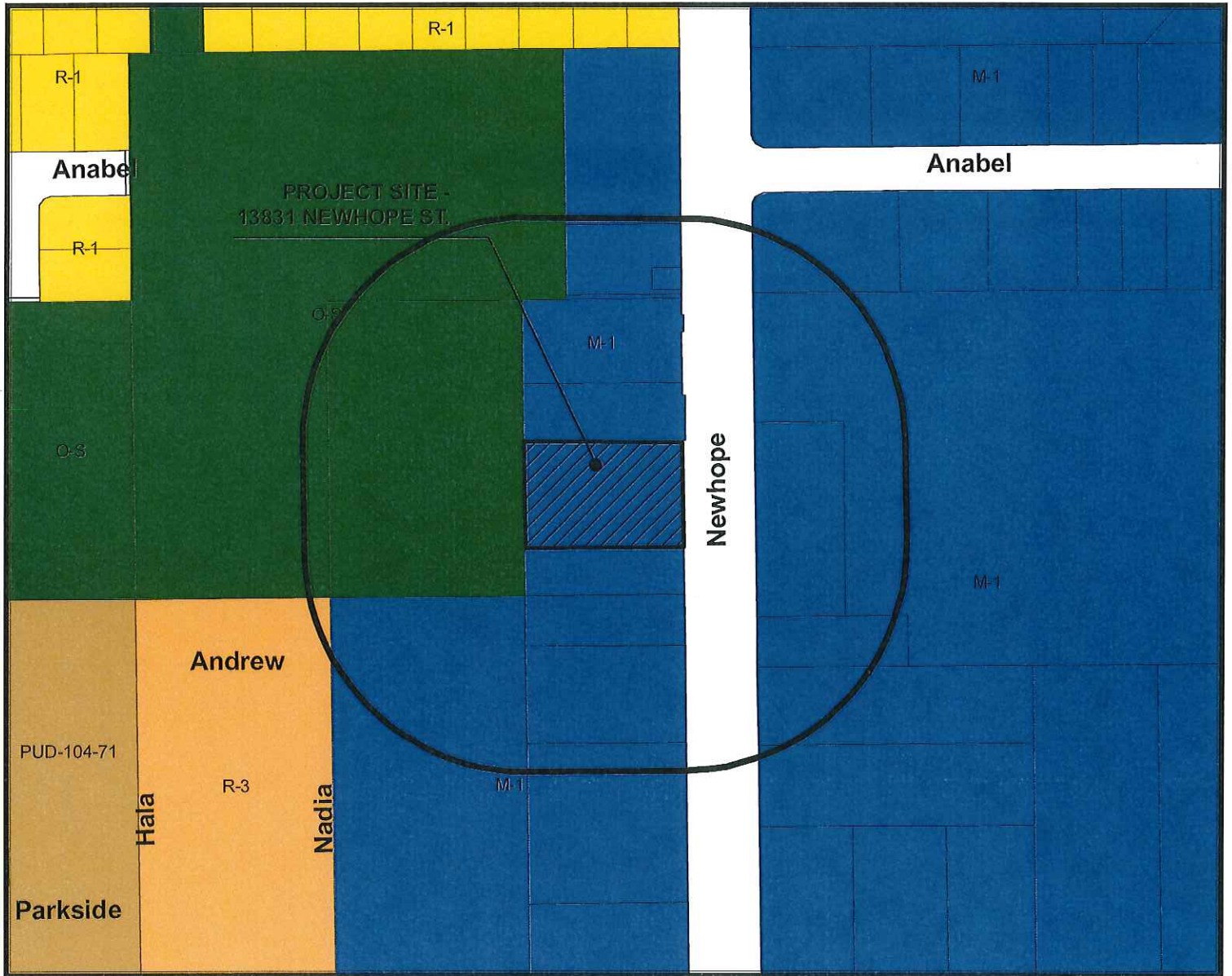


By: Chris Chung
Associate Planner




SITE PLAN NO. SP-307-02 REV. 2014

CONDITIONAL USE PERMIT NO. CUP-604-02 REV. 2014



LEGEND

 PROJECT SITE - 13831 NEWHOPE STREET

 300 FEET RADIUS



NOTES

1. GENERAL PLAN: INDUSTRIAL
2. ZONE: M-1 (LIMITED INDUSTRIAL)

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
SEPTEMBER 2014

EXBON OFFICE ADDITION

13831 NEWHOPE AVE. GARDEN GROVE, CA.



EXBON OFFICE ADDITION

13831 NEWHOPE AVE. GARDEN GROVE, CA.

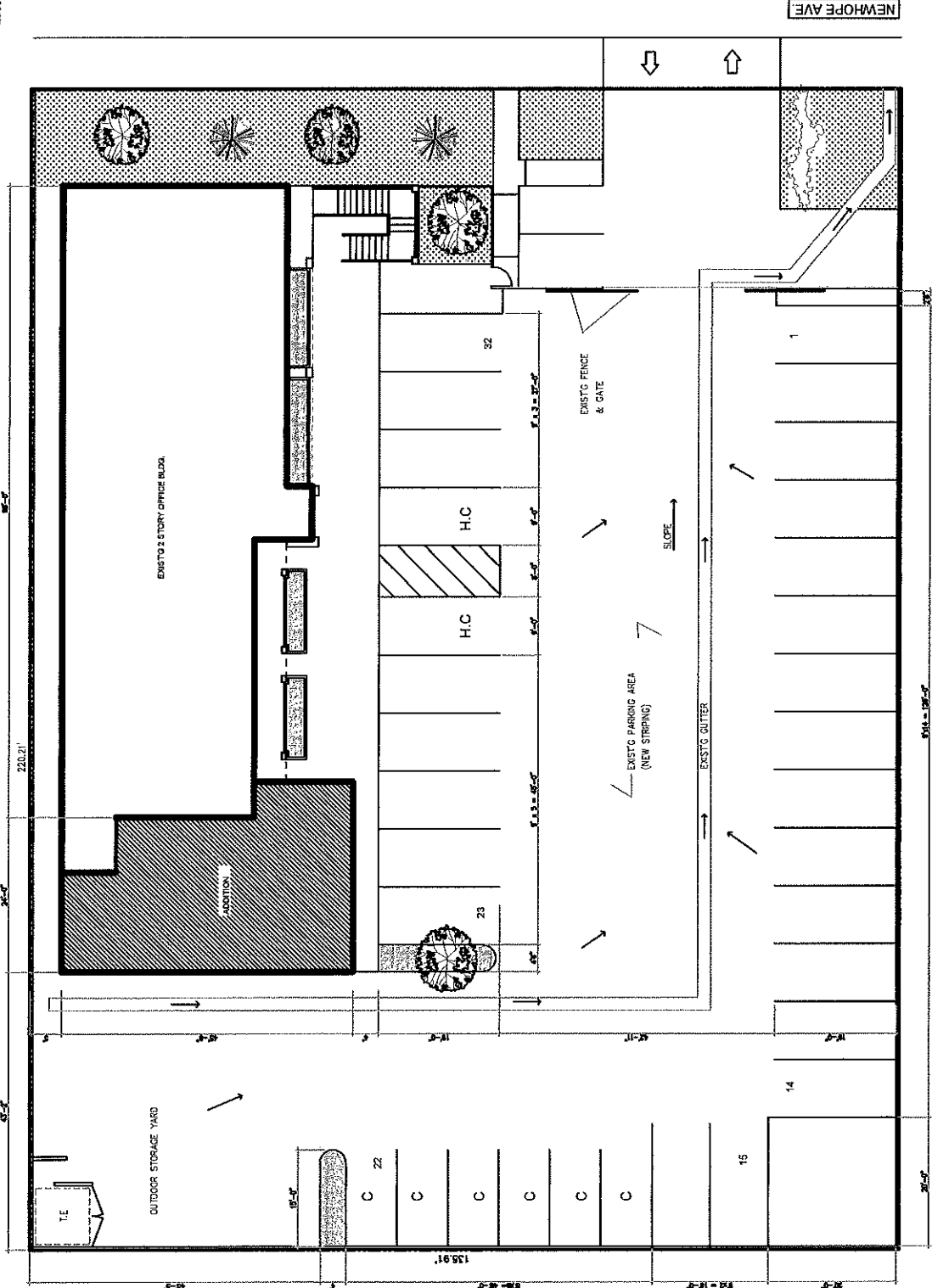
- USE : OFFICE / OUTDOOR STORAGE YARD
- STORY : 2 STORY
- BLDG AREA :

	EXISTG.	ADDITION	TOTAL
1ST FLOOR :	3,303	1,105	4,408
2ND FLOOR :	1,700	1,824	3,524
TOTAL :	5,003	2,929	7,932 SF

- BUILDING TYPE : TYPE I/6 (NON SPRINKLERED)
- CODE : ALL THE WORK SHALL BE IN COMPLIANCE WITH THE 2016, CBC, DAC, CPC, CFC, CFC
- PARKING :

REQUIRED :
 7,288 SF / 250 + 42
 PROVIDED :
 STANDARD STALL (8'X12') : 24
 COMPACT STALL (8'X10') : 5 (11.5%)
 AND CITY AND COUNTY LAW AND ORDINANCE

SCOPE OF WORK
 - EXISTG BUILDING ADDITION



RESOLUTION NO. 5832-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-307-02 (REV. 2014) AND CONDITIONAL USE PERMIT NO. CUP-604-02 (REV. 2014), FOR A PROPERTY LOCATED ON THE WEST SIDE OF NEWHOPE STREET AND NORTH OF WESTMINSTER AVENUE, AT 13831 NEWHOPE STREET, PARCEL NO. 100-141-06.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 18, 2014, approves Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014).

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Yong Ju Kwon.
2. The applicant is requesting approval for a modification to the approved plans, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, to allow a first and second floor addition to an existing two-story office building. The site is currently operating as a contractor's storage yard (and will continue to operate as a contractor's storage yard). The existing two-story building has a floor area of 3,353 square feet on the first floor, and 1,706 square feet on the second floor. The applicant is proposing to add 1,105 square feet to the first floor, and 1,824 square feet to the second floor. The total gross floor area of the building, including the addition, will be 7,988 square feet.
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 Industrial, and is currently zoned M-1 (Light Industrial). The subject property is currently improved with an existing two-story building and a contractor's storage yard use.
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 September 18, 2014, 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 September 18, 2014, 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 approximately 25,740 square feet in area and is located on the west side of Newhope Avenue and north of Westminster Avenue. The property is zoned M-1 (Light Industrial) and has a General Plan Land Use Designation of Industrial. The subject property is adjacent to M-1 zoned properties to the north, south, and across Newhope Street, to the east, and an O-S (Open Space) zoned property to the west.

The subject property is currently improved with an existing two-story building and a contractor's storage yard use. The applicant has proposed to construct an addition to the first and second floors of the existing building, which has prompted the necessity to approve modifications to the approved Site Plan and Conditional Use Permit.

On July 18, 2002, the City of Garden Grove approved Site Plan No. SP-307-02 to allow the construction of a two-story office building, and approved Conditional Use Permit No. CUP-604-02 to allow the operation of a contractor's storage yard. A Development Agreement was also approved.

On June 9, 2010, the City of Garden Grove approved a Minor Modification to the approved floor plan under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02. The Minor Modification permitted the conversion of an existing garage area, located on the eastern side of the first floor of the building, into office area as well as the construction of a twenty-seven (27) square foot hallway. The existing roll-up doors were replaced with windows and the façade of the building made to match the existing exterior of the building. The other existing garage area, with two (2) roll-up doors, located on the west side of the building remained as is.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan is consistent with the General Plan and 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 Industrial, and is zoned M-1 (Light Industrial). The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other

applicable ordinances. The proposed project is consistent with the General Plan Land Use Designation, which permits industrial development and manufacturing related uses. The zoning of the property permits contractor's storage yard use subject to a Conditional Use Permit. The existing use is located within the described zone and, therefore, is consistent with the General Plan Land Use Designation and zoning of the property. The placements of the structures, 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 proposed new building addition 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 plans have been reviewed by the City's Traffic Engineering Division and it has been determined that the project will have no adverse impacts to surrounding streets. The site provides sufficient parking to accommodate the existing contractor's storage yard use, as well as its expansion, the vehicles, employees, and customers. The project has been designed to provide a drive aisle and parking layout that enables customers to maneuver effectively through the site.

Furthermore, the City's Fire Department has 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, along with the new addition, once the developer provides the necessary improvements for the project. The proposed new building addition will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels. Utilities and drainage channels in the area are adequate to accommodate the development.

The proposed development will also provide landscaping and proper grading of the site in order to maintain proper drainage in the area. The Public Works Engineering and Water Services Division have reviewed that plans.

4. The project will not adversely impact the City's ability to perform its required public works functions.

The project has been reviewed by the Public Works Department. There were no issues raised by the project. Therefore, the project will not adversely impact the City's ability to perform its required public works functions.

5. 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 a mix of industrial uses. The proposed project is consistent with the surrounding area and compatible with the existing uses on the property. The design of the proposed building addition will ensure a reasonable degree of compatibility with adjacent developments.

6. 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 for building appearance, building placement, landscaping, and other amenities to attain an attractive 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.

CONDITIONAL USE PERMIT:

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

The proposed modifications to the approved plans for the expansion of the existing contractor's storage yard use, Exbon, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, will be consistent with the General Plan Land Use Designation of the property, which is Industrial, provided that the project complies with all conditions of approval.

2. That the requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area.

The proposed modifications to the approved plans for the expansion of the existing contractor's storage yard use, Exbon, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, will not adversely affect the health, peace, comfort, or welfare of the 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 for the project are adhered to for the life of the project, the use will be harmonious with persons who work and live in the area.

3. The proposed use will not interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

The proposed modifications to the approved plans for the expansion of the existing contractor's storage yard use, Exbon, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located within the vicinity of the site, provided that the conditions of approval are adhered to for the life of the project.

4. The proposed use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

Provided that the contractor's storage yard use continues to adhere to the conditions of approval for the life of the project, the proposed modifications to the approved plans for the expansion of the existing contractor's storage yard use, Exbon, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

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

The proposed project only proposes to modify the approved plans for the expansion of the existing contractor's storage yard use, Exbon, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02. The existing two-story office building, including the proposed additional building area, the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features, in order to continue integration of the existing contractor's storage yard use with the uses in the surrounding area.

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

The proposed project only proposes to modify the approved plans for the expansion of the existing contractor's storage yard use, Exbon, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02. The existing site is adequately served by highways and streets.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Conditional Use Permit possess 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, contained in and attached as "Resolution No. 5298," shall continue to apply to Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, except as modified herein and contained in the attached "Exhibit A," approved under Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014).

EXHIBIT "A"

Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014)

13831 Newhope Street

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval.
2. All Conditions of Approval, approved under Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, and contained in Resolution No. 5298, shall remain in full force and effect, except as modified herein. All Conditions of Approval set forth herein, or contained in Resolution No. 5298, 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, Yong Ju Kwon, 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. All Conditions of Approval herein shall apply to Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014).
3. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Site Plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the project, approved site plan, floor plan, and/or these Conditions of Approval determined by the Community 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.

SP-307-02 (REV. 2014) & CUP-604-02 (REV. 2014)
Conditions of Approval

6. The applicant shall be subject to Traffic Mitigation Fees in accordance with Chapter 9.44 of the Garden Grove Municipal Code.
7. A copy of the resolution approving Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014), including these Conditions of Approval, shall be kept on the premises at all times.
8. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014), and his/her agreement with all conditions of the approval.
9. Building shall comply with California Building Standards Code (2013 Edition).
10. 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-307-02, Conditional Use Permit No. CUP-604-02, Site Plan No. SP-307-02 (REV. 2014), and Conditional Use Permit No. CUP-604-02 (REV. 2014). 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.
11. The parking lot layout shall be modified and striped as shown on the submitted site plan for Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014).
12. The applicant/property owner shall maintain a minimum of thirty-two (32) parking spaces on-site, per the submitted site plan for Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014), which shall be made available to accommodate both employee and customer parking combined with the storage space necessary for the operation of the contractor's storage yard use. At no time shall the site be deficient on parking based on the actual demand of contractor's storage yard operation. In the event, the site cannot accommodate the parking demand 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

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Conditions of Approval

for review and approval by the Community Development Department. If the City's Community 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 business.

13. The proposed building addition shall architecturally match the existing building using the same stucco finish, window treatment, and roofing tiles, as shown on the submitted elevations for Site Plan No. SP-307-02 (REV. 2014) and Conditional Use Permit No. CUP-604-02 (REV. 2014). Final elevation design shall be subject to review and approval by the Planning Division.
14. The outdoor storage area, located at the rear of the building, shall be utilized as storage space for the contractor's storage yard and screened from any public vantage point.

RESOLUTION NO. 5298

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-307-02 AND CONDITIONAL USE PERMIT NO. CUP-604-02, AND RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT FOR LAND LOCATED ON THE WEST SIDE OF NEWHOPE STREET, NORTH OF WESTMINSTER AVENUE, AT 13831 NEWHOPE STREET, PARCEL NO. 100-141-06

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on July 18, 2002, hereby approve Site Plan No. SP-307-02 and Conditional Use Permit No. CUP-604-02, and recommend approval of a Development Agreement.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-307-02, Conditional Use Permit No. CUP-604-02, and the Development Agreement, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Joe and Mona Gergen.
2. The applicants request approval of a Site Plan to allow the construction of a two-story, 4,385 square foot office building, a Conditional Use Permit to allow the operation of a construction storage yard, and a Development Agreement.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The General Plan designation for the property is Industrial and is zoned M-1 (Light Industrial). The site is currently improved as a contractor storage yard.
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 July 18, 2002, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of July 18, 2002; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, are as follows:

FACTS:

The property is approximately 25,650 square feet in size and is improved with a single-story building.

The subject property is currently utilized as a contractor storage yard.

The applicants propose to demolish the existing single-story structure and construct a new two-story, 4,385 square foot office building in order to operate a contractor storage yard at the subject site.

The site is zoned M-1 (Light Industrial), which allows for contractor storage yards with the approval of a Conditional Use Permit.

Government Code Section 65864 provides the authority for the City to enter into a Development Agreement with the applicant.

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 proposed project is consistent with the existing General Plan designation which permits industrial development and manufacturing related uses. The zoning conditionally permitted contractor storage yard facilities. The site is located within the described zone and, therefore, consistent with the General Plan designation.
2. The proposed new building 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 plans have been reviewed by the City's Traffic Engineering Section and it has been determined that the project will have no adverse impacts to surrounding streets. The site provides sufficient parking to accommodate construction trucks, employees, and their customers.
3. The proposed new building will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels. Utilities and drainage channels in the area are adequate to accommodate the development.
4. The proposed new building has a reasonable degree of physical, functional, and visual compatibility with the neighboring uses and desirable neighborhood

characteristics. The proposed new building will be architecturally compatible with the neighboring uses. The design and conditioning of the proposed development will enhance and insure a reasonable degree of compatibility with adjacent uses.

5. Through the planning and design of the building and building placement, the site will attain an attractive environment for the occupants of the property. The project has been designed in accordance with City Code landscape provisions, and therefore will have adequate amount of landscaped areas. The necessary agreements for the protection and maintenance of improvements will be achieved through the conditions of approval for the project.

CONDITIONAL USE PERMIT:

1. The new contractor storage yard will be consistent with the General Plan and Title 9. The M-1 (Light Industrial) zone conditionally permitted contractor storage yard facilities. With the approval of a Conditional Use Permit, the new facility will comply with the General Plan and Title 9 requirements. The new contractor storage yard is compatible with adjacent land uses, serve as a benefit to the City's residents, and improve the overall appearance of the subject property.
2. The new contractor storage yard will not adversely affect the health, peace comfort, or welfare of persons working in the surrounding area, provided the conditions of approval are adhered to for the life of the project. The use will continuously be harmonious with the persons who work and reside in the area.
3. The new contractor storage yard will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site provided the conditions of approval are adhered to for the life of the project. The use will continuously be compatible with the surrounding area.
4. The new contractor storage yard will not jeopardize, endanger or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval for the contractor storage yard will ensure the public, health, safety, and welfare.
5. The approval to allow the operation of a contractor storage yard will not adversely affect the use and enjoyment of adjacent properties. If the applicant operates this use in compliance with the conditions of approval, there should be no impact on the adjoining properties.

6. Adequate parking and vehicular access are available for the new facility in accordance with the requirement of Title 9.
7. Through the recommended conditions of approval, the project will ensure that provisions have been made for adequate on-site facilities such as vehicular circulation and point of access, along with public safety measures and property maintenance. The establishment has adequate ingress and egress from Newhope Street.
8. As part of the Site Plan and Conditional Use Permit request, the site will be conditioned to improve with a paved surface, landscaped areas, and fencing treatments. Therefore, the proposed facility will integrate with surrounding land uses.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030.D.3 & 4 (Site Plan and Conditional Use Permit) and with Government Code Section 65864 et. seq., provisions for Development Agreements.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval shall apply to Conditional Use Permit No. CUP-604-02 and Site Plan No. SP-307-02:

CONDITIONS OF APPROVAL:

- A. The applicants 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 prior to the issuance of building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of applicant's ownership. Any changes of the conditions of approval require approval of the Planning Commission.
- B. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning regulations or any

Federal, State, County and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Garden Grove Municipal Code shall apply. The applicants shall obtain, and abide by, any necessary permits or licenses required to conduct the use in compliance with applicable laws.

- C. All minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a Site Plan and/or Conditional Use Permit application shall be filed which reflects the revisions made to, or changes to the design/placement of the new building.
- D. The approved floor plan and the use of the subject property are integral parts of the decision approving this Site Plan and Conditional Use Permit applications. There shall be no change in the design of the floor plan and the operation of contractor storage yard without the approval of the Community Development Department. Any change in the approved floor plan or the use of the subject property which has the effect of expanding or intensifying the proposed development shall require a new Site Plan and/or Conditional Use Permit.
- E. The applicants shall be responsible for providing adequate security lighting for the entire facility during all hours of darkness.
- F. The applicants shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to the issuance of a certificate of occupancy. The project shall also be subject to the following:
 - 1. All on-site utilities pertaining to the improvements proposed under this Site Plan, shall be installed or relocated underground.
 - 2. Above-ground utility equipment (e.g., electrical, water, gas, telephone, cable TV) shall not be located in the street setbacks, within the common area(s) along Newhope Street, or any parking areas and shall be screened to the satisfaction of the Community Development Department. Final location for the equipment shall be shown on the final landscaping plan and shall be reviewed and approved by Community Development and Public Works Departments.
 - 3. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the

issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

4. All ground- or wall-mounted mechanical equipment shall be screened from view of public streets and surrounding properties.
- G. The following provisions of the Public Works' Engineering Division shall be complied with:
1. 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, basement and septic facilities. Should contaminants be found the site will require Environmental Clearance that will usually involve site remediation.
 2. A new trash enclosure shall be constructed per Garden Grove Standard Plan B-502. The trash enclosure shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
 3. Grading plans prepared by a registered Civil Engineer shall be required.
 4. In accordance with the 1972 Clean Water Act and National Pollution Discharge Elimination System (NPDES) requirements, the applicants are required to submit a long term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include provisions for the installation and maintenance of appropriate structural facilities and identify all non-structural Best Management Practices (BMPs) to be implemented with the project. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of a grading or building permit, whichever occurs first. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management Plan (DAMP) and appendices.
 5. A separate street permit is required for work performed within the public right-of-way.
 6. All applicable existing on-site improvements shall be removed prior to the start of any new construction.
 7. The applicants are subject to Traffic Mitigation Fees.

8. The southerly driveway approach off of Newhope Street shall be removed and a new approach shall be constructed per Garden Grove Standard Plan B-120. The northerly approach shall be removed and replaced with curb and gutter and sidewalk in accordance with Standard Plans B-113 and B-106.
- H. All of the Garden Grove Fire Department and the Uniform Fire Code shall be met, including but not limited to the following conditions:
1. The location, storage, and disposal of hazardous material shall be reviewed and approved by the Fire Department.
 2. Address numbers shall be provided in contrasting colors to the building's color and be a minimum of 12 inches in height.
- I. The building plans, site plans and all construction shall comply with the current editions of the U.B.C as adopted by the City of Garden Grove.
- J. The following provisions of the Garden Grove Public Works Water Services Division shall be met:
1. New water service installations, if needed, shall be at the applicant's expense. Installation shall be by City forces upon payment of applicable fees, unless otherwise noted. Fire and water services shall be installed by applicant's contractor per City Standards.
 2. Water meters shall be located within the Newhope Street right-of-way. Fire services and large water services (3" and larger) shall be installed by a contractor with a class A or C-34 license, per City water standards and inspected by a Public Works inspector.
 3. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have an RPPD device. Any carbonation dispensing equipment shall have a stainless steel RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the initial installation is completed. The applicants/owners shall have RPPD devices tested once a year by a certified backflow device tester and the test results shall be submitted to the Public Works Water Services Division.

4. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
 5. Fire service shall have an above ground device with a double check detector valve assembly. Device shall be tested immediately after installation and once a year a certified backflow device tester and the results shall be submitted to Public Works, Water Services Division. Device shall be on private property and shall be responsible by the applicants. The above ground assembly shall be screened from public view as required by the Planning Division.
 6. The City shall determine if existing water service(s) is usable and meets current City Standards. Any existing water and service located within new driveway(s) will need to be relocated at owner's expense.
 7. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department, (additional public and private hydrants shall be required).
 8. The applicants shall install a new sewer lateral with clean out at right-of-way line per City Standards. Lateral in the public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
- K. The applicants shall construct and maintain the trash enclosure area, per City Standards. The trash enclosure location shall be reviewed and approved by the Community Development and Public Works Departments. The trash enclosure doors shall be kept closed and secured except during trash disposal or pickup.
- L. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.
- M. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
1. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 2. Sunday and Federal Holidays - may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.

- N. The applicants shall submit a complete, detailed landscape plan governing the entire development. Said plan shall include type, size, location and quantity of all plant material. The plan shall include irrigation plans staking and planting specifications. The landscape plan is also subject to the following:
1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The applicants are and shall be responsible for installation and maintenance of all landscaping on the property and adjacent public parkway.
 3. The plan shall provide a mixture of a minimum of ten (10) percent of the trees at 48-inch box, ten (10) percent of the trees at 36-inch box, fifteen (15) percent of the trees at 24-inch box and sixty (60) percent of the trees at 15-gallon. Remaining five (5) percent may be of any size.
 4. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontage adjacent to driveways shall be of the low height variety to ensure safe site clearance.
 5. All above ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
 6. All trees to be planted along the Newhope Street frontage shall be 24-inch box size trees.
- O. Prior to the construction of the contractor storage facility, the site area shall be secured with a six-foot (6') high chain link fence. Access gate(s) are permitted and the fence shall be removed upon construction of permanent perimeter fencing and/or completion of the project.
- P. All signs require separate permit and shall be installed in accordance with the provisions of the sign ordinance and shall be approved by the Community Development Department.
- Q. The applicants shall enter into a binding development agreement with the City of Garden Grove. The agreement shall be executed prior to the building permit issuance.

- R. All parking spaces, driveways, and maneuvering areas shall be fully paved and maintained with asphalt, concrete or other city approved material.
- S. The applicants shall submit a signed letter acknowledging receipt of the decision approving SP-307-02 and CUP-604-02 and their agreement with all conditions of approval.
- T. Graffiti shall be removed from the premises and all parking lots under the control of the licensee and/or the applicants within 120 hours of application.
- U. The applicants shall maintain the perimeter wall along the north and south property lines at the height of six (6) feet. The existing block wall along the west property line shall be increased to seven (7) feet in height.
- V. A solid gate shall be provided for the vehicle entrance. Wrought iron gates and decorative walls along the Newhope Street frontage shall not exceed seven (7) feet in height. The colors/materials of the new walls and gates shall be reviewed and approved by Planning Services Division.
- W. All parking spaces, driveways, and maneuvering areas with the facility shall be fully paved and maintained with asphalt, concrete, or other city approved material.
- X. During construction the applicants shall comply the following measures to contain fugitive dust as required by the General Plan EIR:
 - 1. Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures such as daily watering of soils, application of non-toxic soils stabilizers, replacement of ground cover in disturbed areas as soon as possible, suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour, and maintenance of a minimum two feet of freeboard on all trucks hauling dirt, sand, soil or other loose material.
 - 2. Sweeping of streets near construction area.
 - 3. Rinsing of wheels on construction vehicles prior to leaving construction area.
 - 4. Paving of all construction access roads at least 100 feet onto the site from the main access points.

5. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
6. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
7. During construction, if paleontological or archaeological resources are found all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.3.	SITE LOCATION: Northeast corner of intersection of Acacia Avenue and Pala Drive, east of Knott Street at 7191 Acacia Avenue
HEARING DATE: September 18, 2014	APNs: 215-011-08
CASE NO.: Site Plan No. SP-011-2014	GENERAL PLAN: Industrial
APPLICANT: AMB (American Metal Bearing Company) – John Henderson PROPERTY OWNER: Ducommun Family Properties, LLC	ZONE: M-P (Industrial Park) CEQA DETERMINATION: Exempt

REQUEST:

The applicant is requesting Site Plan approval to construct a 3,760 square foot addition on an existing industrial building of approximately 40,000 square feet. The addition will house a single, large machine that manufactures complex metal parts.

BACKGROUND:

The American Metal Bearing Company (AMB) was founded in Los Angeles in 1921 as a company specializing in the design, manufacture, and reconditioning of plain metal bearings for all industrial applications. From this beginning in a small shop in Los Angeles, AMB has grown to be a leading supplier of engineered components and systems to both military and commercial customers. The company moved in the 1970's to its current location at 7191 Acacia Avenue, Garden Grove.

AMB has been the preeminent supplier of propulsion bearings to the Navies of the world since the Second World War. Today, AMB is heavily involved in Government Contracts, supplying bearings for many U.S. Navy ships and U.S. allies around the world. Their bearing systems are found on a significant number of ballistic and attack submarines and surface fleet ships around the world. The Company has seen impressive growth in the last three (3) years.

The existing industrial building is located at 7191 Acacia Avenue, on a portion of Acacia Avenue that is in west Garden Grove and accessed off of Knott Avenue, north of the 22 Freeway. The building is in the M-P Industrial Park zone that stretches over an area bounded by Knott Street to the west, Lampson Avenue to the north, Western Avenue to the east, and the Freeway to the south. Industrial buildings to the north, west, and east abut the subject property. Across Acacia Avenue to the south is a Planned Unit Development PUD-134-99 with the Calvary Presbyterian Church located on the site.

DISCUSSION:

The AMB Company is looking to add a very large, single machine to their operation, the Okuma MCR-B111 5 Axis. This machine will enhance the company's ability to manufacture complex parts by doing the work of several machines in one set up and eliminating multiple steps in the manufacturing process. The Okuma can accommodate runs for both large formats and also multiple runs of a part. It also has capabilities to attach different tools to be used to machine parts at any angle.

While the AMB existing building is good-sized at 40,000 square feet, it is currently filled with other machines used in the manufacturing process and storage areas. The proposed addition to house the Okuma machine will include an overhead crane to support the production of large-scale parts. The existing building was built in the 1970's and according to the applicant and designer, will not support the overhead crane required for the Okuma machine.

The proposed addition is 3,760 square feet in area and will be built toward the back of the existing building on the east side of the building. The addition is designed to accommodate the Okuma with limited clearance of approximately five (5) feet to eleven (11.5) feet around three (3) sides of the machine. On the north end of the addition, is a larger area with a roll-up door to the exterior parking lot and another roll-up door that mirrors the first on the wall into the existing industrial building. These two (2) roll-up doors will allow materials and parts to be moved both inside and outside.

The AMB industrial building was built in 1973 with 52 parking spaces for 40,000 square feet. This is an older ratio of parking spaces to building square footage and is not the same as the current requirements for industrial buildings. There are twelve (12) parking spaces for visitors at the front of the building along Acacia Avenue. The visitor parking is separated from the larger parking yard for employees and deliveries by a six (6) foot high fence with a rolling gate.

The visitor parking area will remain the same. In the large, back parking area, the construction of the proposed addition will remove seven (7) parking spaces along the east side of the existing building. These seven (7) parking spaces have been replaced on the site plan to maintain the number of spaces allowed for the original building. The new addition will generate the need for new parking spaces based on the current requirements and these additional parking spaces have been added to the site. The site will have a total of 60 parking spaces. The construction of the proposed addition will require the parking area to be cleaned-up of outdoor storage.

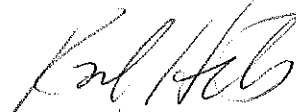
A 20-foot fire lane runs along the north property line and will remain open and clear. Fire vehicles accessing the site from the fire lane, drive along the north side of the existing building and then turn south into the large parking area. To maintain an adequate turning radius for fire vehicles, Fire Department staff asked that one of

the several new parking spaces placed along the north property line be removed. That change has been incorporated into the site plan and the parking space that was removed was placed elsewhere.

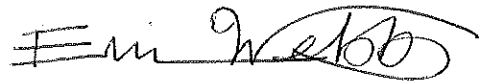
The elevations of the proposed addition will be sheathed in vertical metal panels that will appear as flat wall sections that resemble the walls of the existing building and will be painted to match the existing color. The roll-up doors will be typical metal doors that match the existing doors on the industrial building in both color and material.

RECOMMENDATION:

1. Staff recommends that the Planning Commission adopt the attached Resolution approving Site Plan No. SP-011-2014, subject to the recommended conditions of approval.



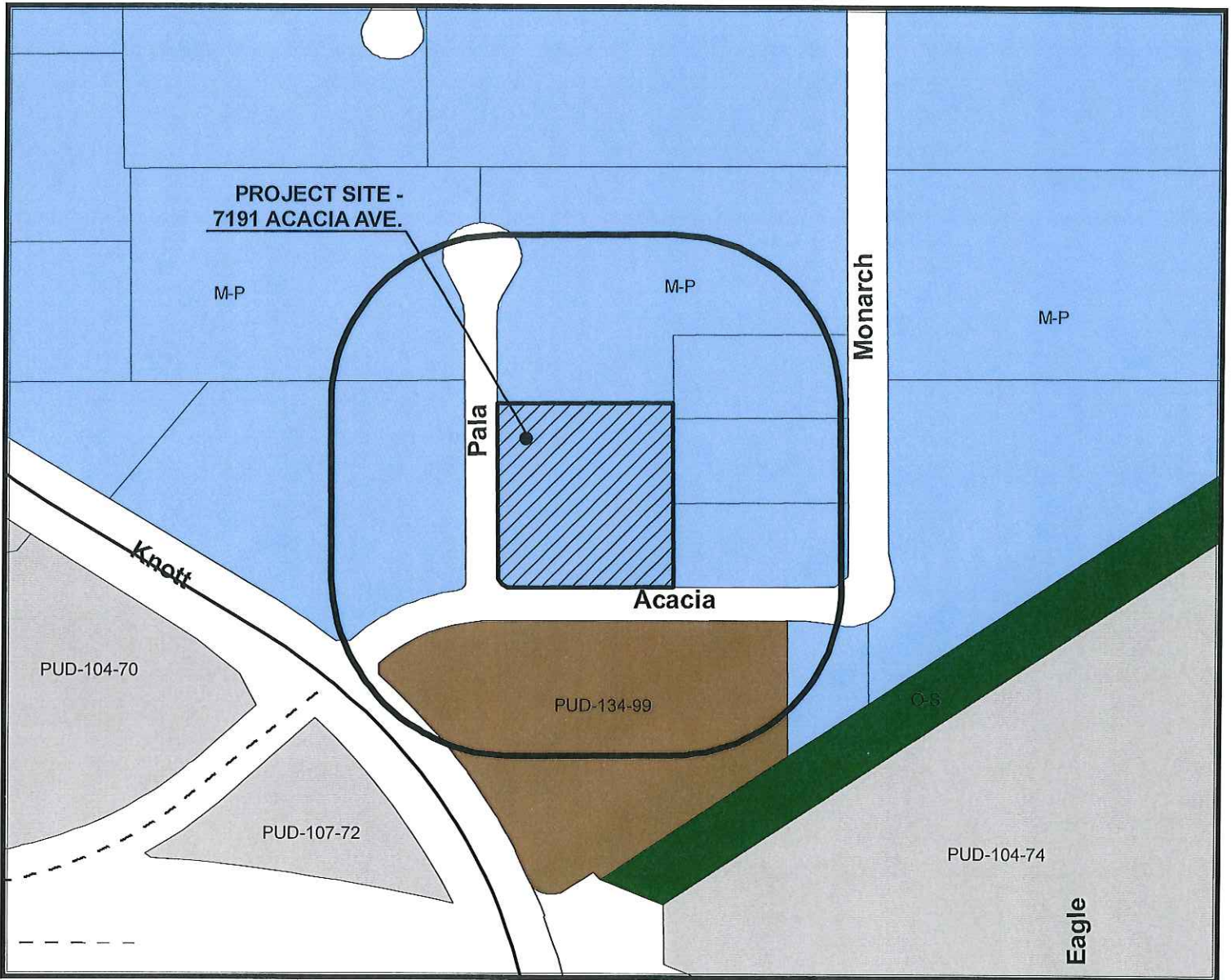
KARL HILL
Planning Services Manager




By: Erin Webb
Senior Planner



SITE PLAN NO. SP-011-2014



LEGEND

 PROJECT SITE - 7191 ACACIA AVENUE

 300 FEET RADIUS



NOTES

1. GENERAL PLAN: INDUSTRIAL
2. ZONE: M-P (INDUSTRIAL PARK)

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
AUGUST 2014

7086-7200 Acacia Ave
Garden Grove, CA 92841 - approximate address
Acacia Ave
NEW! Street View - Apr 2012



Image capture: Apr 2012 Acacia Ave © 2014 Google

7221 Acacia Ave
Garden Grove, CA 92641 - approximate address
Acacia Ave

NEW! Street View - Apr 2012

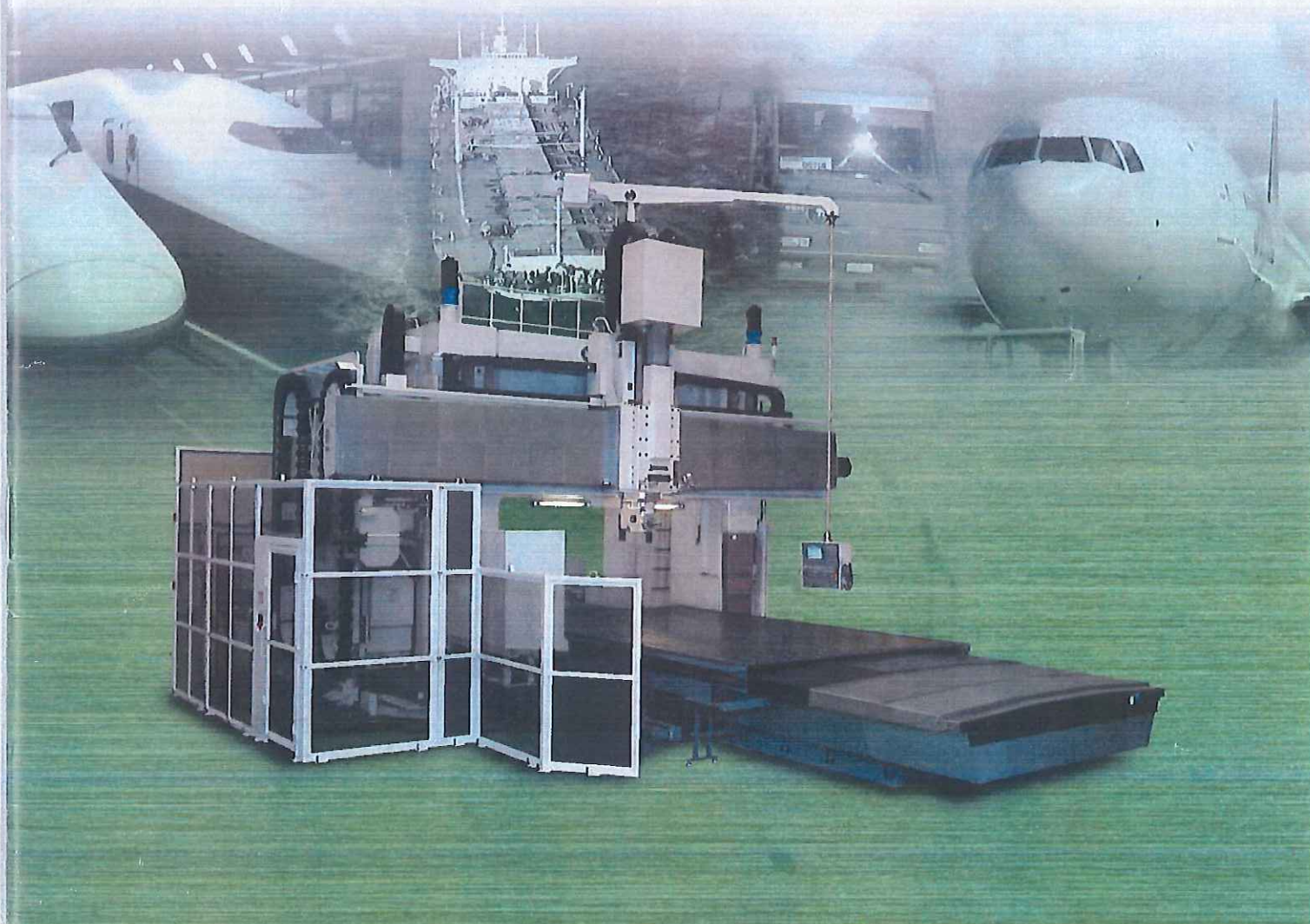




Double-Column Machining Center

MCR-BIII

[For 5-Sided Applications]



RESOLUTION NO. 5833-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-011-2014 FOR PROPERTY LOCATED AT 7191 ACACIA AVENUE.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Site Plan No. SP-011-2014, for a parcel of land located on the northeast corner of the intersection of Acacia Avenue and Pala Drive, east of Knott Street, at 7191 Acacia Avenue, Parcel No. 251-011-08.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-011-2014, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Howard Parsell for American Metal Bearing Company (AMB).
2. The applicant is requesting Site Plan approval to construct an addition (3,760 square feet) on an existing industrial building. The proposed addition will house a single, large machine to manufacture complex metal parts.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301 (e) (2), Existing Facilities (with additions that are less than 10,000 square feet) of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Industrial and is zoned M-P (Industrial Park). The site is approximately two acres in size with an existing industrial building of 40,000 square feet.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 18, 2014, 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 September 18, 2014; 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 property has a General Plan Land Use designation of Industrial, and is zoned M-P (Industrial Park). The property is on the north side of Acacia Avenue, just east of Knott Avenue and north of the 22 Freeway. The subject site abuts industrial buildings in the M-P zone to the north, west, and east. Across Acacia Avenue to the south, is a Planned Unit Development PUD-134-99 with the Calvary Chapel Westgrove on the site.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan is consistent with the General Plan and 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 Industrial, and is zoned M-P (Industrial Park). The General Plan designation intended to preserve industrial areas and encourage general industrial uses such as industrial parks and warehousing and distribution. Goal LU-7 of the General Plan is "The City values its industrial areas as an important contributor to a well-planned community and for the jobs and economic impacts they provide." The existing industrial business has been on the site since the 1970's and is looking to expand with a needed piece of machinery. The project will add to a successful industrial use and allow it to continue to flourish. Therefore, the project is consistent with the General Plan Land Use Designation. The project is also consistent with the zoning of the property as the site design, parking lot layout, and design of the building addition 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 placement of the proposed addition and required new parking will not encumber the on-site circulation, the vehicular access including a fire lane, nor the loading and unloading areas. A 28-foot wide drive aisle will be maintained, along with the required amount of parking spaces.

There will be no change to the site access or the visitor parking area. Given the proposed site design, the proposed building will not adversely affect essential on-site facilities.

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, utilities, and drainage channels are existing and adequate to accommodate the development. The Public Works Engineering and Water Services Division have reviewed the plans, and all appropriate conditions of approval have been provided to eliminate any adverse impacts to the streets and alleys, utilities and drainage channels.

4. The proposed development will not adversely impact the City's ability to perform its required public works functions.

A small addition attached to a large, existing industrial building on a private parcel will not impact the City's ability to perform its required public works functions. Furthermore, the Public Works Department has reviewed the plans, and has written appropriate conditions that will eliminate any adverse impacts on the performance of required public works functions and will modernize older equipment to enhance the performance of such functions.

5. The development will 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 industrial uses. The proposed addition looks like an addition to an industrial building with its flat metal panel sheathing and metal roll-up doors. The new building will match the existing building in color and style. The design of the proposed development will be consistent with the buildings in the surrounding area.

6. 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 building is well maintained, has a clearly identifiable office at the front, and provides an attractive, landscaped visitor parking area along Acacia Avenue. The visitor parking area is separated from the back parking area by fences and a rolling gate. The existing landscaped areas will remain as part of the proposed construction. Through the conditions of approval for the project, the necessary conditions will be incorporated for the continued protection and maintenance of all landscaped areas.

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 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-011-2014.

EXHIBIT "A"

Site Plan No. SP-011-2014

7191 Acacia Avenue

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Site Plan runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, American Metal Bearing Company (AMB), the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the use and project, may be approved by the Community Development Director.
4. 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.
7. Trash container areas shall meet the following requirement:

- 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;
- c. Connection of trash area drains to the municipal storm drain system is prohibited. Drains shall be installed within the trash enclosures and connected to the onsite sewer system;
- 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 shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures;
- g. Trash storage enclosures shall be constructed in accordance with City of Garden Grove Standard Plan B-502.

Water Services

8. If the existing fire service connection is a vaulted single check valve with a grate valve, it shall be brought up to current standards. The current standard is an above ground Double Check Detector Check (DCDA) per City Standard B-771 located on private property. The new fire installation and abandonment of existing vault and piping appurtenances will be inspected by Water Engineering's inspector. The 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. The DCDA shall be screened from public view by landscaping as required by the Planning Division.
9. A Reduced Pressure Principle Device (RPPD) backflow prevention device is required 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. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results shall be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.

10. The site shall be graded so that no rain or landscape irrigation water can drain into sewer drains in wash bays. All wash bays shall have adequate roof overhang to prevent rainwater from entering wash bays. No outside sinks or wash area shall be permitted. Owner shall maintain service records for sewer lateral clarifier adequately demonstrating that the clarifier maintained and that wastes are disposed of in accordance with current laws and regulations for hazardous wastes.

Fire Department

11. The project shall comply with the California Fire Code Section 2203.1, including the provision that the gas nozzle, when the hose is fully extended, cannot reach within five (5) feet of the building openings.

Building Services

12. The new building shall comply with the California Building Standards Code (2013 Edition).

Community Development Department

13. The approved site plan, floor plan, and elevations are an integral part of the decision approving this Site Plan. There shall be no additional changes to the design of the plans without the approval of the Community Development Department, Planning Division. Any additional changes in the approved site plan and floor plan, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement (s).
14. A prominent, permanent sign, stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES," shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall be visible to the public.
15. 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.
16. Graffiti shall be removed, from the premises and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification.
17. 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.

18. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
19. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
20. 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 be subject to noise restrictions as stipulated in Section 8.47 of the Municipal Code.
21. 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, and where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.
22. The property owner shall comply with the adopted City Noise Ordinance.
23. 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.
24. 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 the above conditions of approval. The plans shall indicate landscape materials, wall materials and building materials proposed for the project.
25. 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. Parking area lighting shall be provided during the hours of darkness when 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.

26. The applicant shall submit detailed plans showing the proposed location of new utilities and mechanical equipment to the Community 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 aboveground 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.

27. The applicant shall submit a detailed landscaping plan with irrigation systems included for review and approval by the Community Development Department prior to the issuance of a building permit. While the site has well-maintained landscape areas, some of the plantings look old and in need of refreshing. The landscape plan shall provide details of the existing landscaping to remain and areas where some new plantings could enhance the overall look of the site. Drought tolerant plantings are encouraged. The landscape plan shall include the type (both common and botanical names), size, location, and quantity of all proposed plant material. The proposed landscaping shall be planted prior to the finalization of the building permit. The landscaping plan shall also include the following:
 - a. For any new irrigation being proposed, subsurface systems are encouraged. The irrigation plan for any new trees planted in the setback areas adjacent to sidewalks and in the parking lot shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used in other areas, they shall be 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 and shall be screened from view by appropriate plantings. Such utilities must be clearly shown on the landscape plan with the proposed screening plants detailed.
 - c. The landscape plan to refresh the existing landscaping shall find areas where plants have become woody and old. Particular areas to be considered are along the west side of the building, in front of chain link

fence that divides the visitor parking area from the larger employee/delivery parking area, and along the front wall of the building. New landscaping along the front of the chain link fence shall provide dense and taller plantings to screen the yard behind.

28. The applicant shall clean up the parking yard, removing open storage areas, and ensuring that the drive aisle, fire lane, and the necessary parking spaces remain clear, open and useable.
29. The applicant shall clean up and re-stripe the parking lots to meet the changes in the proposed site plan. Adequate parking spaces deemed to meet the current and/or future uses on the parcel shall be permanently maintained on the site. The total number of parking spaces maintained on the site shall be 60. The re-striping shall occur prior to finalization of the building permit for the construction of the new addition.
30. The exterior wall material of the proposed addition shall be similar to the wall treatment of the existing industrial building and painted to match. The metal panel material shall look like flat panels and not narrow, vertical components.
31. The applicant shall add a solid screening material to the tubular steel fencing that separates the visitor parking area from the parking yard. The specifications of the solid screening shall be detailed on the plans submitted for building permit. The solid screening shall be added to the fencing prior to finalizing the building permit.
32. The applicant shall show a location for the trash container on the site. Trash containers must either be located inside a building or outside in an enclosure that includes a roof. The location of the trash container(s) shall be noted on the plans submitted for building permit. Any proposed trash enclosure must meet the requirements from the Public Works Department.
33. 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.
34. 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.
35. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-011-2014, and his/her agreement with all conditions of the approval.
36. A copy of the resolution including the conditions approving Site Plan No. SP-011-2014 shall be kept on the premises at all times.

37. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-011-2014. 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.