

DEVELOPMENT SERVICES DEPARTMENT PLANNING STAFF REPORT

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AGENDA ITEM NO. 2.
HEARING DATE September 9, 1993
CASE NO. SP-128-93, V-135-93,
CUP-146-93, PM-93-162, & Develop. Agrmt
APPLICANT Fred Ringor

SITE LOCATION W/S Josephine St
S/O Stanford @ 12781 Josephine St.
GENERAL PLAN Medim-Family Resident
ZONE R-3 (Multi-Family Residential)
CEQA DETERMINATION Neq. Dec.

REQUEST:

The applicant requests approval to construct a 4,170 square foot, one-story, community residential elderly care facility consisting of 14 beds in 12 rooms; Tentative Parcel Map approval to consolidate two separate parcels into one in the R-3 (Multiple Family) zone and Development Agreement approval.

VARIANCES(S)/WAIVER(S):

The applicant proposes two variances: A variance to depart from the required minimum setback distance between the facility and the parking area, and a variance to deviate from the required minimum setback distance between the facility and the driveway.

PROJECT STATISTICS

	<u>Provided</u>	<u>Code</u>
<u>LOT SIZE:</u>	11,429. S.F.	7,200 S.F.
<u>BUILDING(S) SQUARE FOOTAGE:</u>		
Proposed:	4,170.50 S.F.	N/A
<u>COVERAGE:</u>	36.49 %	50.0 %

BUILDING SETBACKS:

North (side):	8.5 feet	8.5 feet
South (side):	18.5 feet	15.0 feet
East: (front):	20.0 feet	20.0 feet
West: (rear):	7.5 feet	6.25 feet

PARKING:

Open:	6	6
Handicap:	<u>1</u>	<u>1</u>
TOTAL	7	7

BUILDING HEIGHT:

One Story:	14.66 feet	35 feet
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BACKGROUND:

The proposed location for the community residential care facility at 12781 Josephine Street is a former well site of the now defunct Dalewood Mutual Water Company. The wells were abandoned in November of 1992 through Orange County Health Department regulations. Presently, the property is vacant.

DISCUSSION:

The applicant proposes to construct a 4,170 square foot, one-story, community residential care facility consisting of 14 beds in 12 rooms. To do so, the applicant requests Tentative Parcel Map approval to consolidate two separate parcels into one in the R-3 (Multiple Family Residential) zone. A Development Agreement is also proposed.

Site Plan:

Designed in an "L" shape manner, the care facility is accessed from the east via a single driveway from Josephine Street. Four standard parking stalls, two compact spaces, and one handicap parking space are provided for the staff, residents and guests of the facility. The traditional wood-framed stucco structure rises 14 feet 8 inches from the ground and would be architecturally compatible with the residential surroundings. The site as well as all the

required setback areas are adequately landscaped.

The community residential care facility contains 12 bedrooms and six and one-half baths. It is designed to house 14 residents and provides handicap restroom accommodations for all of the residents. The applicant has indicated that a manager will be on the premises at all times facilitating the operation as well as one part-time and two full-time individuals caring for the residents. This will be done in three shifts of eight hours each. Four employees will be on the premises at all times. A combination office and reception area, kitchen, dining room, laundry area, and outside common patio area for the enjoyment of the residents are also included in the facility's design. Each room contains a closet and each resident shares bathroom facilities with their neighbor. The double loaded corridor allows each resident access to the interior of the facility while separate doors located in each resident's room allows access to the exterior courtyards.

Title 9 of the Garden Grove Municipal Code permits Community Residential Care Facilities for seven persons or more in the R-3 (Multiple Family Residential), O-P (Office Professional) and C-1 (Neighborhood Commercial) zones subject to the application and approval of a Conditional Use Permit (CUP). The City defines such a facility to be: "...any family home or group care facility licensed by the state under Health and Safety Code Section 1500 et seq., for the 24-hour non-medical care of persons who require personal services, supervision, or assistance essential for sustaining daily living activities" (GGMC Section 9.04.060.C). Thus, the applicant requests approval of a Conditional Use Permit in order to establish the community residential care facility pursuant to Garden Grove practices.

Conditional Use Permit:

The intent of a Conditional Use Permit (CUP) is to allow a land use in designated areas under specific conditions which are designed to protect the health, safety and welfare of the public. Each application for a Conditional Use Permit is reviewed individually to insure that the use will not harm the neighborhood nor the character of the surrounding community.

ISSUES:

The required development standards of the project are at issue; in particular, the design of the facility's circulation system and parking area. The applicant requests variances to minimize the required setback distances between the facility and the parking area and the distance between the facility and the drive aisle.

The Garden Grove Municipal Code requires Community Residential Care Facilities to provide 0.5 parking spaces per bed on the facility's grounds for the staff, residents and guests of the facility. The 14 bed facility proposed by the applicant satisfies this requirement by providing a total of seven parking

spaces, one of which is for the utilization of handicap individuals. The applicant has also indicated that the facility is one in which the residents will not be operating vehicles and the facility will therefore provide transportation in the form of a shuttle bus or van service to meet their residents' needs. Thus, the unique characteristics inherent to such facilities as the residents' age and driving capabilities have been taken into account in the design of the facility's parking area. This was done by locating the parking stalls 30 feet away from the facility's main entrance along the southern perimeter of the lot. This minimizes any potential hazards to the health and safety of the individuals residing in the complex by creating an open buffer area between the residents rooms and the parking area. The exterior doors of the individual rooms will be closed at all times and designated as emergency exits to further insure the safety of the residents. Access is gained safely from the parking area to the facility by a five foot wide sidewalk along the east exterior of the building. The residents will not be utilizing the areas between the facility and parking area nor that area between the facility and driveway. An open common patio is provided for the residents enjoyment outside the facility's dining room which is landscaped and protected from traffic by a wall. As a condition of approval for the community residential care facility, two additional trees will be required to be planted in the patio area to provide shade. Thus, neither the proposed distance between the facility and parking area nor the proposed distance between the facility and driveway compromise the health and safety of the individuals utilizing the facility.

VARIANCES:

The applicant proposes a variance to deviate from the required setback distance of fifteen feet between the facility and the parking area as well as a variance to deviate from the required ten foot minimum setback distance between the facility and the driveway (GGMC 9.16.070). The applicant proposes a distance of three feet and five feet respectively.

Permission to depart from the literal requirements of a zoning ordinance defines a variance. For a variance to be granted, certain conditions must be satisfied and findings must be made demonstrating that a hardship would exist if the variance were not granted and that approving the variance would not constitute a special privilege.

The following discussion lists the four required findings for variance approval and the responses to each by the applicant followed by that of City Staff.

1. That there are exceptional circumstances or conditions applicable to the property involved or to the intended development of the property that do not apply generally to other property in the same zone or neighborhood.

Applicant's Response:

"...parking and accessway circulation is still in its utmost effectiveness. Thus, granting this variance will really alleviate the hardship of this

project to comply with building to parking distance and the distance of building to accessway requirements."

Staff's Response:

The applicant proposes to deviate from the required 15 foot minimum setback distances between the facility and parking area by 12 feet, as well as to deviate from the 10 foot setback distance between the facility and driveway by 5 feet. Minimizing the setback distances are sought in order to design a vehicular system which takes into account the unique requirements of the facility's guests while insuring their health and safety. Locating the parking stalls 30 feet away from the facility's entrance protects the residents from the vehicles entering and exiting the facility while allowing the safe and easy access from the parking stalls to the facility. The residents will not be utilizing the areas between the facility and parking area nor that between the facility and driveway as a common patio area is provided for the residents outside the facility's dining room which is landscaped and protected from traffic by a wall. Thus, neither the proposed distance between the facility and parking area nor the proposed distance between the facility and driveway compromises the health and safety of the residents.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the subject property.

Applicant's Response:

"No other property in the area has a similar condition. Granting this variance is of utmost importance for the full functioning of the proposed project."

Staff's Response:

The applicant correctly points out that no other property in the vicinity has the similar condition of housing elderly individuals. These individuals will not be operating motor vehicles but will be driven by the facility's employees as needed. The variances are indeed important to the full functioning of the project for without such the facility will not be developed in a logical and orderly manner. Granting the variances will produce the most functional use of the property while ensuring the health and safety of the individuals residing there.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

Applicant's Response:

"With the present condition and granting of this variance will not in any way be of disadvantage or injurious to the other property in the vicinity. Eventhough the said distances are not met, landscaping and parking with accessway circulation can still be as effective as tho' the said distances are met."

Staff's Response:

The applicant contends that granting the two variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the surrounding neighborhood. The circulation system, is designed in such a way as to protect the residents, guests, and staff as well as the surrounding neighborhood. The circulation system adequately accommodates the traffic generated by this project on its grounds so Josephine Street and the surrounding neighborhood will not be impacted by the design of the drive aisle and parking area.

4. That granting of such variance will not adversely affect the City's General Plan.

Applicant's Response:

"Granting this variance will not in any way affect the City's general plan, because there is no element in the city's general plan that is adversely affected. The shortening of the distances that is being asked on this variance does not even affect the internal function of the proposed project, and parking and accessway circulation is still in its utmost affectivity."

Staff's Response:

The granting of the variances will not adversely affect the City's General Plan. Among the stated General Plan's goals and objectives for multiple family residential developments is the encouragement of well designed residential facilities through the application of site development standards. These standards provide for such improvements as sufficient off-street parking, setback requirements and other appropriate site improvements. The standards are intended to maintain a safe, pleasing and attractive living environment not only for the residents of the facility but also for the residents of the surrounding neighborhood. The community residential care facility provides a necessary service to the elderly community of Garden Grove and is in such a location as to not adversely affect the City's General Plan. In this case, the deviations from the development standards are minimal and are consistent with the spirit and intent of the General Plan.

Staff has worked extensively with the applicant to utilize the land as best as possible in this project in order to minimize the deviations from the City's development standards. Staff, therefore, is satisfied with the design of the facility in that it provides a safe, pleasing and attractive

living environment for the residents of the facility and the surrounding neighbors.

Parcel Map:

The applicant has included a Tentative Parcel Map in this application. The purposes of this Map is to consolidate two lots into one parcel. The Parcel Map and development, as proposed, are consistent with the City's adopted General Plan. The site is physically suitable for the proposed type and density of the project and all requirements of the California Environmental Quality Act have been complied with.

DEVELOPMENT AGREEMENT:

The City proposes to enter into a development agreement with the applicant/owner. The applicant/owner will be guaranteed that they will be able to construct the project within four (4) years and the City will receive a development impact payment not to exceed one percent (1%) of the project valuation which will be \$2,670.00. The project's valuation is approximately \$267,000.00.

RECOMMENDATION:

Staff has reviewed the applicant's proposal for a community care facility in relation to the goals and objectives of the Garden Grove Municipal Code and all other applicable ordinances and finds the proposal is in compliance. Staff therefore recommends approval of SP-128-93, V-135-93, CUP-146-93 and PM-93-162 and the Development Agreement.

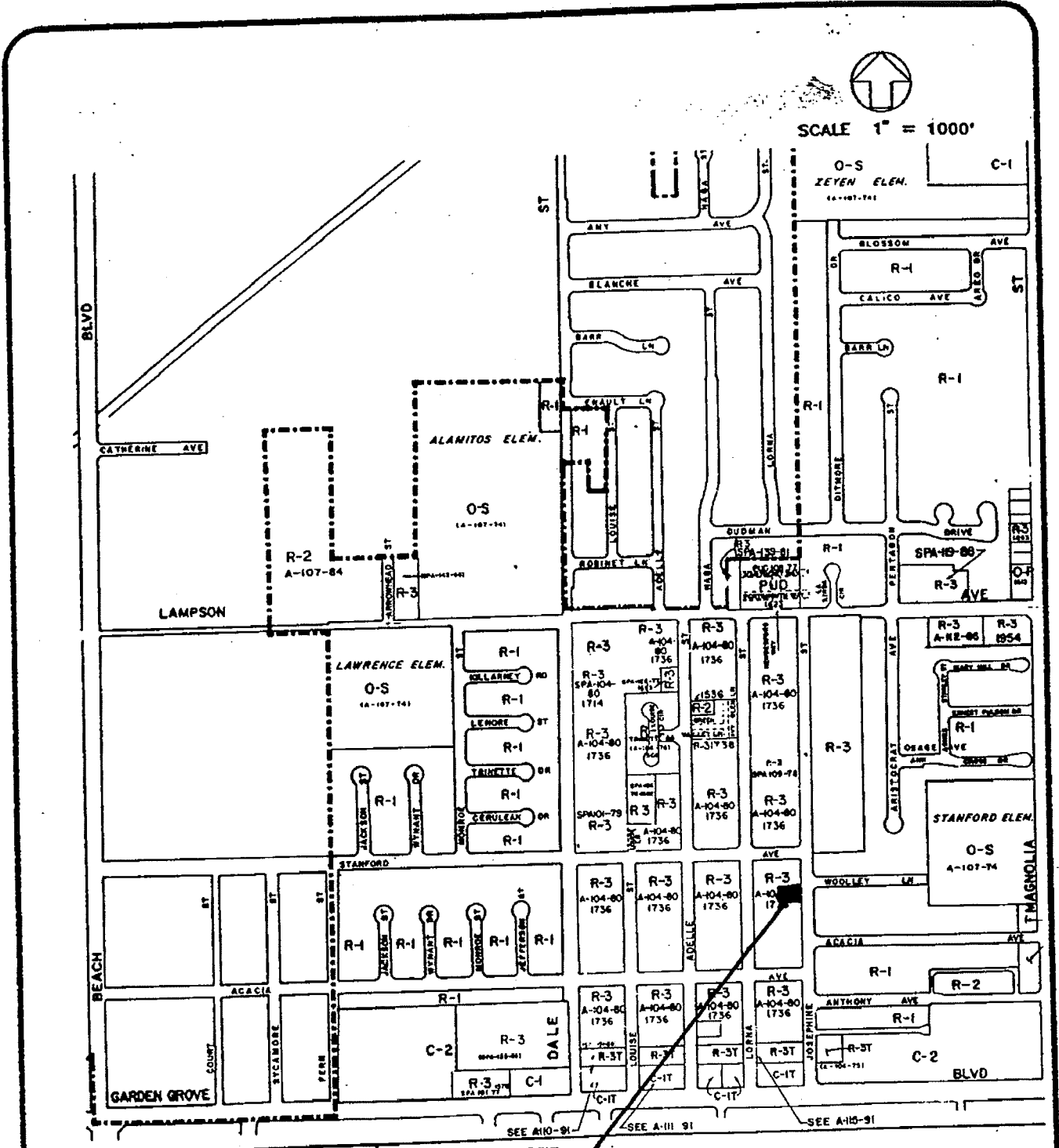
MILLIE J. SUMMERLIN
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Christie Mathews

By: Christie Mathews
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sp12893.sr
9/9/93

VICINITY MAP



CITY OF GARDEN GROVE
CALIFORNIA
 ZONING MAP PART C-7

SUBJECT SITE
 SP-128-93 V-135-93
 CUP-146-93 PM-93-163

RESOLUTION NO. 4369

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE, APPROVING SITE PLAN NO. SP-128-93, CONDITIONAL USE PERMIT NO. CUP-146-93, VARIANCE NO. V-135-93 AND TENTATIVE PARCEL MAP PM-93-162 AND RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT FOR A PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF STANFORD AVENUE, WEST OF JOSEPHINE STREET AT 12781 JOSEPHINE STREET, PARCEL NOS. 133-461-11,02.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 9, 1993 does hereby approve Site Plan No. SP-128-93 Conditional Use Permit No. CUP-146-93, Variance No. V-135-93 and Tentative Parcel Map PM-93-162.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-128-93 Conditional Use Permit No. CUP-146-93, Variance No. V-135-93 and Tentative Parcel Map No. PM-93-162 the Planning Commission of the City of Garden Grove does report as follows:

1. The subject case was initiated by Fred Ringor.
2. The applicant requests Site Plan and Conditional Use Permit approval to construct a 4,219 square foot, one-story, 14 bed community residential care facility with variances from development standards pertaining to location of the parking stalls and driveways, and tentative Parcel Map approval for lot consolidation in the R-3 (Multiple Family Residential) zone. A Development Agreement is also requested.
3. The proposed project will not have a significant adverse effect on the environment, therefore the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The subject property has a General Plan Land Use designation of Multiple Family Residential and is zoned R-3 (Multiple Family Residential).
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 legal notice, public hearing was held on September 9, 1993 and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due an careful consideration to the matter during its meeting of September 9, 1993; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, approving the Site Plan, Conditional Use Permit, Variance, and Tentative Parcel Map as required under Municipal Code section 9.24.030, are as follows:

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FACTS:

The site is approximately 11,429 square feet in area.

The site is zoned R-3 (Multiple Family Residential).

Community Residential Care facilities are permitted in the R-3 (Multiple Family Residential) zone with the approval of a Conditional Use Permit.

The project meets or exceeds the Municipal Code requirements.

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

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 other applicable ordinances.

The site plan meets all of the development standards as they pertain to setbacks, number of parking stalls provided, open space and landscaping except as noted in the Variance request.

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

The site provides on-site parking spaces for tenants and guests as required by the Municipal Code.

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

All streets, alleys, utilities and drainage channels are existing and adequately designed to accommodate the proposed project.

4. The development will not adversely impact the public services department's ability to perform its required function.

With the conditions of approval the project will not impact the public services department's ability to provide services to the site or the surrounding area.

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5. The development will be compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The architecture of the building is similar to other residential structures in the neighborhood. The site design is similar to other institutional developments throughout the City.

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

The building meets all of the setback and open space requirements for a project of this size.

CONDITIONAL USE PERMIT:

1. The proposed use is consistent with the City's General Plan and Redevelopment Plan.

Community Residential Care facilities are conditionally permitted uses in the R-3 (Multiple Family Residential) zone.

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

With the proposed conditions of approval the use would be compatible with multiple family neighborhoods and that the use will not adversely impact the persons residing or working in the area.

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

The use will allow senior citizens, who require a personalized level of care, and opportunity to live in a home environment in a residential neighborhood.

4. The proposed use has a reasonable degree of physical, functional, and visual compatibility with the neighboring uses.

The new structure is architecturally similar in style to many of the existing residential structures in the area and will provide a residential atmosphere for the residents of the facility.

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5. The proposed use is adequately served by streets and highways of sufficient width and improvements as necessary to carry the kind and quantity of traffic to be generated by this use.

All necessary streets and highway improvements are in place and are sufficient to accommodate this use. Minor improvements to the public right-of-way along Josephine Street are required to provide adequate access to the site.

6. The site is adequately served by public and private facilities as required.

All public and private facilities are existing and improved as required.

VARIANCE:

1. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

Exceptional circumstances apply to the intended development of the property. The proposed deviations take into account the unique characteristics of the tenants of the building and attempt to ensure their safety.

2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the subject property.

While the development is located in an R-3 (Multiple Family Residential) zone, the occupancy will provide housing for persons other than those typically residing in apartment situations. Granting these variances will produce the most functional use of the property while ensuring the health and safety of the residents.

3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

Because of the unique nature of the use of the site, the on-site circulation system has been designed to provide the utmost protection to the tenants of the facility while adequately providing parking to accommodate the use. Therefore, the Variances should not impact the surrounding properties or zone.

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4. The granting of the variance will not adversely affect the City's General Plan.

The granting of the variance will not adversely affect the City's General Plan as the use is conditionally permitted in the R-3 (Multiple Family Residential) zone and the location of the driveway and parking spaces will not impede traffic circulation in the area and will promote safety for the residents of the development.

PARCEL MAP:

1. The Tentative Parcel Map is consistent with the City's General Plan as the applicant is consolidating lots which is encouraged by the applicable development standards for the R-3 (Multiple Family Residential) zone and the General Plan.
2. The site is physically suitable for the proposed development.
The site currently vacant and provides ample land area for the facility.
3. The requirements of the California Environmental Quality Act have been satisfied as the project has been granted a Negative Declaration. Mitigation measures have been included to ensure that there are no significant impacts from the construction of the building or from the proposed use.
4. The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgement acquired by the public at large for access through or use of the property within the proposed subdivision.

The are no easements encumbering the site and all required street improvements will be constructed by the applicant.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the forgoing, the 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:

The subject Site Plan possesses characteristics that would indicate justification of the request for adoption in accordance with Municipal Code Section 9.24.030 (Site Plans, Conditional Use Permits and Tentative Parcel Maps).

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In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety and general welfare, the following conditions of approval shall apply to Site Plan No. SP-128-93, Conditional Use Permit No. CUP-146-93, Variance No. V-135-93 and Tentative Parcel Map No. PM-93-162 and the Development Agreement:

CONDITIONS OF APPROVAL:

- A. All below listed conditions of approval are required to be recorded. Recordation of said conditions in the responsibility of the applicant, and proof of such recordation is required prior to issuance of building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of ownership. Any changes of the conditions of approval require approval of the Planning Commission.
- B. Approval of this Site Plan, Conditional Use Permit, Variance and Tentative Parcel Map 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.
- C. Minor modifications shall be approved by the Planning Commission. If other than minor changes are made in the development, a new Site Plan shall be filed, which reflects the revisions made.
- D. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Section. Lighting shall be restricted to decorative type wall-mounted lights, or a ground lighting system. This includes providing lighting throughout all parking areas.
- E. Utilities and mechanical equipment:
 1. All on- and off-site utilities shall be installed or relocated underground.
 2. All above-ground equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the front setback and shall be screened to the satisfaction of the Development Services Department.
 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 Development Services 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 any place on or off the site.

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- F. All provisions of the Development Services Engineering Division shall be complied with. This includes, but is not limited to, the following:
1. Grading, drainage, hydrology and underground utility plans are required. Any new or required blockwalls, trash enclosures, and or retaining walls shall be shown on these plans. Block walls shall be developed to a height of seven (7) feet. Solid decorative masonry walls shall be provided on the rear and side property lines.
 3. All deficient improvements in the public right-of-way from the street center line to property line shall be constructed. Replace damaged improvements as required including new curb, gutter and sidewalk per City specifications.
 4. The applicant shall be responsible for the removal of two (2) existing black oak trees as part of the improvements in the public right-of-way.
 5. Driveway approaches shall be constructed in conformance with Garden Grove City Standard Plan 119.
 6. Bonds shall be posted to secure all work within the public right-of-way and all public improvements.
 7. All existing on-site improvement shall be removed prior to the start of construction.
 8. Separate plans prepared by a Registered Civil Engineer are required for construction or improvements within the public right-of-way. Curb and gutter shall be constructed per City Standard B-113 and sidewalk per Standard B-105.
 9. The owner shall dedicate all rights to subsurface water to the City of Garden Grove.
- G. All provisions of the Development Services' Traffic Engineering Division shall be complied with. This includes, but is not limited to, the following:
1. All entrances to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The signs shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code.
 2. All drive approaches shall be the flared depressed type per Orange County Standard Plan 210 and have a minimum width of twenty-five (25) feet.
 3. All driveways shall be constructed of concrete.

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4. All compact stalls shall be individually marked. All handicap parking stalls shall be marked and signed in accordance with CVC 22511.8(a).
 5. New marblelite street lights are required with underground wiring. Location to be determined by the Traffic Engineering Division.
- H. All provisions of the Garden Grove Fire Department shall be met. This includes, but is not limited to, the following:
1. Any access gates provided in the development shall have a Fire Department approved Knox override key system;
 2. Addresses shall be visible from street in contrasting colors.
 3. Walls and floors separating dwelling units in the same building shall not be less than one-hour construction.
 4. Smoke detectors shall be provided in accordance with California Building Code Section 1210.
 5. Fire Sprinkler system per NFPA Standard 13 shall be provided and plans approved prior to the issuance of building permits. System shall be designed to utilize not more than 90% of the available water as indicated on a submittal graph sheet as required by National Fire Protection Association, Standard 13, Chapter 7. Fire sprinkler riser shall be located inside the building in a room with a door accessible from the outside of the building.
 6. Fire sprinkler system and all control valves shall be supervised to an approved central alarm station, when the total number of sprinkler heads is 100 or more.
 7. Fire Department Permit required.
- I. All provisions of the Garden Grove Police Department shall be met. This includes that the development shall comply with the Police Department's security provisions checklist.
1. The business address shall be painted on the roof of each structure within the development. The paint shall be of contrasting color and the numbers shall be a minimum of two (2) feet long. The address shall be placed on all structures that have flat roofs.
- J. All provisions of the Garden Grove Public Services' Water Services Division shall be met. This includes, but is not limited to, the following:
1. All improvements and modifications shall be borne by the developer/owner;

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2. All one and one-half (1-1/2) inch meters and larger shall have an approved backflow device per City Standard B-771 A or B and inspected by the City cross connection specialist prior to receiving water service.
 3. Any new water meters shall be located in the public right-of-way as designated and approved by the Water Services Division. If on-site meter locations and/or water lines are necessary or required, then the applicant/owner shall provide the proper easements as indicated by the Water Services Division.
- K. All provisions of the Garden Grove Sanitation District shall be met.
- L. The building plans, site plans and all construction shall comply with the current editions of the U.B.C., U.P.C., N.E.C. as amended by the City of Garden Grove and State of California handicap access, energy conservation and sound transmission control requirements.
- M. The developer/owner shall submit a complete detailed landscape plan governing the entire development which reflects the approved landscape plans, with any necessary modifications, as submitted under the Site Plan application. Said plan shall include type, size, location and quantity of all plant material. This includes tree retention program for existing on-site trees. It shall include irrigation plans and staking and planting specification. 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. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The landscape plan shall be revised to 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. Unless otherwise required the applicant shall provide trees at a ratio of one (1) tree for every twenty (20) feet of frontage, one (1) for every eight parking stalls, or any portion thereof, and one (1) tree for every 600 square feet of landscaped area.
 3. The developer/owner is and shall be responsible for installation and maintenance of all landscaping on the property. Said responsibility shall extend to the sidewalk, curb or pavement of adjoining street.
 4. No trees shall be planted closer than five (5) feet from any public right-of-way. Trees planted within ten (10) feet 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.

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5. In addition to the above, the applicant shall provide a minimum of two (2) 36 inch box trees, in the patio area. The common recreation areas shall be landscaped per the approved Site Plan.
- N. No new exterior piping, plumbing, or mechanical duct work shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.
- O. Prior to the issuance of any permits for the subject site, the area of development shall be secured with a six (6) foot high chain link fence. Access gates are permitted and the fence shall be removed upon construction of permanent perimeter fencing and/or completion of the project.
- P. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as County Noise Ordinance as adopted:
1. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 2. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
- Q. A Parcel Map shall be processed in accordance with the City Ordinances and the California State Subdivision Map Act. Any necessary improvements, dedications and/or easements shall be provided as set forth by the ordinances in effect. Recordation of the Parcel Map shall occur prior to the issuance of building permits.
1. Prior to recordation of the final parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
 2. Prior to recordation of the final parcel map, the surveyor/engineer preparing the map shall submit to the County surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
- R. All rooms, except bathrooms, laundry rooms, and hallways, shall provide both phone jacks and cable T.V. outlets.
- S. Mailboxes shall be provided and installed by the developer. Design and location shall be approved by the local postmaster.

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- T. The developer shall enter into a maintenance agreement with the City of Garden Grove to in ensure proper maintenance and upkeep of the property.
- U. The Site Plan and Conditional Use Permit shall expire one year after the date of Resolution approval unless building permits have been issued.
- V. The applicant shall pay the Traffic Impact Fee as adopted by the City Council.
- W. There shall be on-site supervision, in the form of qualified staff, twenty-four (24) hours each day.
- X. The owner of the facility shall provide and maintain a television for the use of all tenants in the dining and activity area.
- Y. Outdoor furniture, or benches shall be provided for the use of all tenants on the patio area and the front yard.
- Z. Unless otherwise required, the doors exiting from individual rooms toward the parking area shall be used for emergency ingress and egress only and shall be equipped with panic hardware.
- AA. The applicant shall enter into a binding development agreement with the City of Garden Grove.
- BB. The applicant shall provide proof of licensing by the State prior to the issuance of any building permits.

ADOPTED this 9th day of September, 1993.

/s/ LEE BUTTERFIELD
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on September 9, 1993, and carried by the following votes:

AYES: COMMISSIONERS: BUTTERFIELD, INGEGNERI, KILLINGBECK, KREBS, WILSON
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

/s/ PRISCILLA STIERSTORFER
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is September 30, 1993.