

RESOLUTION NO. 5932-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-057-2018 AND LOT LINE ADJUSTMENT NO. LLA-019-2018 FOR PROPERTIES LOCATED AT 12101 AND 12111 VALLEY VIEW STREET, ASSESSOR'S PARCEL NOS. 224-202-15 AND 224-202-16.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on October 18, 2018, hereby approves Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 for properties located on the west side of Valley View Street, south of Chapman Avenue, at 12101 and 12111 Valley View Street, Assessor's Parcel Nos. 224-202-15 and 224-202-16, respectively.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Dan Akarakian for Cinemas Management, Inc.
2. The applicant is requesting Site Plan approval to allow the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, along with related site improvements, and approval of a Lot Line Adjustment to modify existing lot lines to consolidate the two (2) subject parcels into one (1). This request is being processed in conjunction with a request for approval of Conditional Use Permit No. CUP-140-2018 to allow the operation of the proposed automatic car wash and a request for approval of Planned Unit Development No. PUD 104-73 (Rev. 2018) to amend the existing standards and conditions for Planned Unit Development No. PUD 104-73 to facilitate the proposed redevelopment project. The uses, activities, and improvements contemplated by the proposed PUD amendment, Site Plan No. SP-057-2018, Lot Line Adjustment No. LLA-019-2018, and Conditional Use Permit No. CUP-140-2018 are collectively referred to as the "Project".
3. The proposed Project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2 and is zoned Planned Unit Development No. PUD-104-73. The subject site is comprised of two parcels, with a total land area of 2.71-acres, and is currently improved with the Starlight 4 Star Cinema and vacant 6,040 square foot restaurant.

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 the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 18, 2018, and all interested persons were given an opportunity to be heard.
8. Concurrently with the adoption of this Resolution, the Planning Commission adopted (a) Resolution No. 5931-18 recommending that the City Council determine that the Project is categorically exempt from CEQA and approve Planned Unit Development No. PUD-104-73 (Rev. 2018) to amend PUD-104-73 to facilitate the proposed Project; and (b) Resolution No. 5933-18 approving Conditional Use Permit No. CUP-140-2018 permitting operation of the proposed automatic car wash.
9. The Planning Commission gave due and careful consideration to the matter during its meeting on October 18, 2018.

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

FACTS:

The subject properties are located on the west side of Valley View Street, south of Chapman Avenue. The properties have a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and are zoned Planned Unit Development (PUD) No. PUD-104-73. PUD-104-73 was adopted in 1973 to allow the construction of a 126-unit residential condominium (currently known as Stonegate), a 32-lane bowling alley (12141 Valley View Street), a 900 seat movie theater (12111 Valley View Street), a 7,500 square foot restaurant (12101 Valley View Street), a 3,600 square foot drive-thru restaurant (12051 Valley View Street), and a 41,850 square foot senior facility for 120 people (5900 Chapman Avenue).

The commercial portion of PUD-104-73 includes a total five (5) commercial properties: a bowling alley, formerly occupied by the AMF Bowling Alley (12141 Valley View Street), the Starlight 4 Star Cinema (12111 Valley View Street), a vacant restaurant building (12101 Valley View Street), a McDonald's drive-thru restaurant (12051 Valley View Street), and the Brookdale Senior Living facility (5900 Chapman Avenue).

The applicant is the property owner of the movie theater and the vacant restaurant building properties. The property owner intends to redevelop the movie theater and the vacant restaurant properties in an effort to revitalize the commercial center. The proposed project includes the construction of a 4,241 square foot automatic car

wash, an 1,870 square foot drive-thru pad restaurant, a 2,700 square foot sit-down, in-line restaurant, a 2,846 square foot expansion to the existing movie theater, along with related site improvements, and a Lot Line Adjustment to modify existing lot lines to consolidate the two (2) subject parcels into one (1).

In conjunction with the proposed Site Plan and Lot Line Adjustment, the applicant is also requesting an amendment to PUD-104-73 to modify the permitted uses for the subject site to facilitate the Project, and Conditional Use Permit No. CUP-140-2018 to allow the operation of an automatic car wash on the subject properties, 12101 and 12111 Valley View Street.

#### 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.

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The properties have a General Plan land use designation of Residential/Commercial Mixed Use 2 and are zoned Planned Unit Development No. PUD-104-73. The Residential/ Commercial Mixed Use 2 is intended to provide a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. PUD-104-73 was adopted in 1973 and allowed for the construction of a 126-unit residential condominium, a bowling alley, a movie theater, a sit-down restaurant, a drive-thru restaurant, and a aged facility. Currently, the commercial portion of PUD-104-73 is improved with a bowling alley (12141 Valley View Street), the Starlight 4 Star Cinema movie theater (12111 Valley View Street), a vacant restaurant building (12101 Valley View Street), a McDonald's drive-thru restaurant (12051 Valley View Street), and the Brookdale Senior Living facility (5900 Chapman Avenue).

The proposed project includes the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, and related site improvements on a 2.71-acre site. The existing restaurant building will be demolished to accommodate the request. The proposed project will assist with revitalizing the commercial center as well as introduce new commercial uses that will serve the surrounding neighborhood. The proposed construction and site improvements will be compatible and integrated with the existing commercial center.

In addition, General Plan describes a Planned Unit Development as a precise plan that provides the means for the regulations of buildings, structures, and uses of land to facilitate the implementation of the General Plan. The regulations of the PUD are intended to provide for a diversity of uses,

relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code. The proposal complies with the spirit and intent of the General Plan that establishes that a PUD is intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code.

The proposed project will assist with the revitalization and redevelopment of the commercial center, which is consistent with the General Plan. Goal LU-6.1 of the General Plan encourages the revitalization of aging, underused or deteriorated commercial centers; Policy LU-6.2 encourages a mix of retail shops and services to better meet the needs of the area's present and potential clientele; Policy LU-6.4 encourages the City to work with property owners to revitalize deteriorated centers; Policy LU-6.6 encourages appropriate signage in commercial centers; and LU-IMP-6C encourages façade renovations, enhanced parking area landscaping, and improved lighting.

The project is designed to comply with the development standards of the PUD zone, and complies with the required parking, setbacks, and landscaping, as well as the intent and goals of the General Plan.

Approval of this Site Plan is contingent upon City Council approval of Planned Unit Development No. PUD-104-73 (Rev. 2018). Provided the City Council approves Planned Unit Development No. PUD-104-73 (Rev. 2018), the Site Plan will comply with the PUD provisions.

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 site will continue to be accessed from two (2) drive approaches located on Valley View Street. The most northerly driveway on Valley View Street will be relocated and reconstructed to accommodate the new circulation pattern and building placement of the proposed project. The site will also continue to maintain the shared reciprocal access with the adjacent properties located at 12141 Valley View Street (bowling alley), 12051 Valley View Street (McDonald's), and 5900 Chapman Avenue (senior living facility). The project includes redesigning and reconfiguring existing on-site drive aisles and the parking areas to improve the site's circulation and to accommodate parking for the proposed uses. The code requires a total of 179 parking spaces for the proposed project. A total of 179 parking spaces will be provided in the form of 159 parking stalls and 20 combined queuing spaces along the drive-thru lane of the proposed automatic car wash and drive-thru restaurant. All the required parking for the project will be provided completely on the project site. The existing parking spaces located on the adjacent bowling alley property will not change as a result of this proposed

project. A Traffic Study was also prepared that reviewed the project's site access and circulation, including the queuing for the drive-thru restaurant and the automatic car wash, and determined that the site design circulation is adequate, and that vehicle queuing will be contained within the respective drive-thru lane of the automatic car wash and the drive-thru restaurant.

The City's Traffic Engineering Division has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to minimize 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 utilities, drainage channels, and streets in the area are existing and adequate to accommodate the development, and all appropriate conditions of approval will minimize any adverse impacts to surrounding streets. The proposed development will provide landscaping and proper grading of the site, thereby, providing adequate on-site drainage.

A Traffic Impact Study prepared for the Project concluded that the traffic associated with the new and expanded uses will not significantly impact adjacent intersections during peak AM and PM traffic times. The Traffic Impact Study concluded that the adjacent traffic intersections would operate at the same level of service with the incorporation of the proposed uses; therefore, the project would have no significant impact to the surrounding streets based on the criteria established by the City of Garden Grove.

The City's Public Works Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to minimize any adverse impacts to surrounding streets.

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

The proposed project will not adversely impact the Public Works Department ability to perform its required function. The City's Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

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

The project has been designed in accordance with the development standards of PUD-104-73, provided the City Council approves the proposed amendment to PUD-104-73 to allow for the proposed automatic car wash,

the drive-thru pad restaurant, and the sit-down restaurant, and the proposed sign amendment. The project is located in an older commercial shopping center located along the Valley View Corridor that is in need of revitalization. The commercial portion of the PUD that fronts onto Valley View Street includes properties improved with a bowling alley, a movie theater, a vacant restaurant, and a McDonald's drive-thru restaurant that were approved in 1973. The McDonald's restaurant was rebuilt in 2015, which was a first step to revitalizing the commercial center.

The proposed project includes the expansion of the existing movie theater, construction of an automatic car wash, a drive-thru pad restaurant, and a sit-down restaurant. The vacant restaurant building will be demolished in order to accommodate the proposed development.

The proposed development will enhance the overall site's appearance and facilitate the site's revitalization. The proposed project will compliment other improvements in the immediate vicinity, and will assist with implementation of the General Plan that encourages the revitalization of aging, underused or deteriorated commercial centers. The project will include new landscape areas and treatment along Valley View Street and the interior of the lot that will be consistent provisions of the PUD and applicable provisions of Title 9 of the Municipal Code. The project has been designed in accordance with the provisions of the PUD, and complies with the required setbacks, parking, and landscaping.

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 will include new landscape planters along Valley View Street, within the setbacks, and within the interior of the project site that complies with the landscaping requirements of Title 9 of the Municipal Code. This includes providing trees, ground cover, and shrubs, along with providing additional landscaping within the parking lot and with the landscaped setback areas to comply with the code.

#### 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 possesses characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.D.3 (Site Plan) and Section 9.40.190 (Lot Line Adjustment).

- 2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018.
- 3. The project is exempt from CEQA pursuant to the Class 1 and Class 3 categorical exemptions.
- 4. This approval of Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 shall be contingent upon the adoption and effectiveness of an Ordinance approving Planned Unit Development No. PUD-104-73 (Rev. 2018) by the Garden Grove City Council.

Adopted this 18th day of October 2018

ATTEST:

/s/ GEORGE BRIETIGAM  
CHAIR

/s/ JUDITH MOORE  
RECORDING SECRETARY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE )

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on October 18, 2018, by the following vote:

AYES:	COMMISSIONERS:	(6)	BRIETIGAM, LAZENBY, LEHMAN, NGUYEN, SALAZAR, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	KANZLER

/s/ JUDITH MOORE  
RECORDING 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 November 8, 2018.

## **EXHIBIT "A"**

### **Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018**

12101 and 12111 Valley View Street

### **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. Proof of such recordation is required prior to issuance of building permits.
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 each of the following: the project applicant, Dan Akarakian for Cinemas Management, Inc., the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes to the Conditions of Approval require approval by the Planning Commission, except as otherwise provided herein.
3. The Site Plan and Lot Line Adjustment only authorize the construction of a 4,241 square foot automatic car wash, a 1,870 square foot drive-thru restaurant, a 2,700 square foot sit-down, in-line tenant restaurant, and a 2,846 square foot expansion of the existing movie theater. Approval of this Site Plan and Lot Line Adjustment 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, Lot Line Adjustment and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

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**Public Works Engineering Division**

6. The applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
7. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
8. Grading/street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
9. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
10. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
11. A separate street permit is required for work performed within the public right-of-way. The City of Garden Grove completed a street rehabilitation project on Valley View Street in 2014. Valley View Street is currently under a street moratorium. Any utility trench backfilling fronting the project on Valley View Street is subject to 15 feet of asphalt resurfacing (up to 2-inches of asphalt grind and cap) from the center line of proposed utility (water, gas, sewer, communication cables) in both directions and may extend the full width of the street as determined by the City Engineer.

12. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
13. The new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120.
14. The grading/horizontal control plan shall provide an approximately 80 feet or four vehicles lengths between the service window and order board and additional 80 feet or four vehicle lengths of queuing distance behind the order board for the drive-thru restaurant in conformance with the queuing requirements of City of Garden Grove Standard Plan B-312.
15. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, if any, shall have wheel stops.
16. No parallel curb parking shall be permitted anywhere on the site.
17. A recorded agreement that provides for reciprocal access between the subject site and the adjacent properties to the north and south of the subject site containing the McDonald's restaurant and the bowling alley, in a form acceptable to the City Engineer, shall be required prior to issuance of a grading permit. The applicant shall provide the City with a copy of any existing reciprocal access agreement(s) for review and approval. Should no agreement exist, or if the existing agreement(s) is(are) not acceptable to the City Engineer, the applicant shall enter into a new or amended agreement with the adjacent property owners that is acceptable to the City Engineer and record said agreement prior to the issuance of a grading permit.
18. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the precise grading plans.
19. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
20. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
  - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly

- connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
- b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
  - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
  - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
  - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
21. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
- a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
22. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and state mandated commercial organic recycling law-AB 1826:
- 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.
  - 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. Pursuant to state mandated commercial organic recycling law-AB 1826, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
23. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
24. Prior to issuance of a grading permit, the applicant shall submit to planning division an updated title report along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description and the plat for review and approval of the lot line adjustment application.
25. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.

26. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:

The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.

27. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
28. Prior to issuance of a street permit, the applicant submit and obtain approval of an off-site traffic control plan, satisfactory to the City Traffic Engineer.
29. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
30. Any required lane closures should occur outside of peak travel periods.
31. Construction vehicles should be parked off of traveled roadways in designated parking.
32. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
33. Prior to issuance of the a building permit, the applicant shall design and construct street frontage improvements as identified below:

Valley View Street

- a. The existing northerly substandard driveway approach and landscape fronting the property along Valley View Street shall be removed and curb & gutter, sidewalk shall be constructed in accordance with City Standard;
- b. New 8-inch curb and gutter shall be constructed replacing the existing northerly driveway at 50-feet from the center line of Valley View Street according to City of Garden Grove Standard Plan B-114 (Type C-8 Modified).

- c. Construct a 12-foot sidewalk adjacent to the new 8-inch curb and gutter, replacing the existing northerly driveway apron in accordance to standard B-106.
- d. The new northerly driveway approach to the site on Valley View Street shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (Options #2 & #3 only). Standard Plan B-120 calls for a minimum width of 30-feet for commercial and multi-residential projects, with any deviation from the standard requiring approval by the City Traffic Engineer and be detailed on the street improvement plan showing all modifications.
- e. Remove all planter boxes and trees next to curb/gutter (Total Four) fronting the project on Valley View Street and replace the lifted sidewalk panels in accordance to City of Garden Grove Standard B-106.
- f. Remove and replace the southerly drive approach (curbs and apron section only) per City Standard Plan B-120 (Option #3).
- g. The applicant shall furnish and install a fully functioning video detection system at the project's main entrance traffic signal on Valley View to the Satisfaction of City Traffic Engineer.
- h. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk area on Valley View Street with Planning Division and Water Division.
- i. Any proposed new landscaping in public right of way shall be approved by Planning Division and maintained by the owner.

#### **Public Work's Environmental Services**

34. The applicant shall contract with Republic Waste Services for demolition and debris hauling.

#### **Public Works Water Services Division**

35. The City of Garden Grove conducted a sewer lateral dye test for the existing restaurant and determined that the sewer drains to a manhole on the 8" sewer located on the east/west alley, and the City is assuming that the bowling alley and movie-theater also tie into this sewer lateral. The new in-line tenant restaurant located adjacent to the movie theater can tie into this sewer lateral as it will be smaller than the existing restaurant that will be demolished. The new car wash and the drive-thru restaurant (Jack in the Box) shall tie into a sewer main on Valley View Street.

36. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
37. Water meters shall be located within the City right-of-way or within a dedicated waterline easement. Fire services and large water services 3" and larger shall be installed by contractor with Class A or C-34 license, per City water standards, and inspected by approved Public Works inspector.
38. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a 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 to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
39. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
40. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
41. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
42. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
43. The owner shall install new sewer laterals with clean-outs at right-of-way line for the proposed carwash and drive-thru restaurant. The carwash is to use a water recycling system to minimize the amount of discharge to the City's sewer system. The laterals in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.

44. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license.
45. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
46. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
47. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

#### **Fire Department**

48. All on-site drive aisles and turning radius shall comply with the Fire Department turning radius standards. The applicant shall provide an AutoCAD turning radius to verify access for both fire engines and fire truck access.
49. The project shall comply with all applicable requirements of the California Fire Code.

#### **Building and Safety Division**

50. The project shall comply with the requirements of the California Building Code, the California Green Building Code, and all California Model Codes, including, but not limited to, providing parking for electric and clean air vehicles, accessible routes to all buildings and trash enclosures, and solar ready commercial buildings.

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

51. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment, to the Community and Economic Development Department for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following:



- a. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan shall be installed or relocated underground.
  - b. All above-ground utility equipment (e.g., electrical, gas, telephone, cable TV, water meters, electrical transformer) shall not be located in the street setback and shall be screened to the satisfaction of the Community and Economic Development Director.
  - c. 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 and Economic 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.
  - d. All ground or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
  - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. All roof access ladders shall be accessed from inside the building.
52. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Title Sections 8.47.040 to 8.47.060 referred to as the Noise Control 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 the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
53. The property owner(s) and all tenants shall comply with the adopted City Noise Ordinance.
54. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:

- including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
54. There shall be no deliveries from or to the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
  55. All signs shall comply with the sign requirements of PUD-104-73 (Rev. 2018). All signs shall require a separate permit and shall be installed in accordance with the provisions of the sign ordinance. A sign program governing the entire site, including height, size, color, and location of all signs, shall be approved by the Community and Economic Development Department, Planning Division prior to installation. All signage shall be limited to individual channel letters. No roof signs shall be permitted.
  56. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
  57. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort.
  58. Any expansion to the floor area of the movie theater beyond the square footage approved by this Site Plan shall require review and approval by the appropriate hearing body as specified in Condition of Approval No. 4.
  59. 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 Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Any new lighting that is provided within the parking lot area shall maintain a minimum of two foot-candles of light on the parking areas during business hours. Lighting in the parking areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the windows of adjacent properties.
  60. The applicant shall submit a light plan (photometric plan) to Planning Services Division for review. All lighting shall be provided throughout the parking areas at a minimum of two-foot candle of light during the hours of darkness when the businesses are open, and a one-foot candle of light during all other hours of darkness.

61. New perimeter walls, if proposed, shall be developed to City Standards or designed by a Registered Engineer, and shall be measured from the on-site finished grade, and shall be shown on the grading plan.
62. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
63. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
64. During construction, if paleontological or archeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law.
65. The driveways from Valley View Street shall be treated with decorative stamped concrete or interlocking pavers or other enhanced treatment, excluding scored and/or colored concrete, that is similar and consistent with the pattern and color used for the McDonald's restaurant (12051 Valley View Street). The color, pattern and material shall be approved by the Community and Economic Development Department, Planning Services Division, and shall be shown on the final site plan and the grading plan.
66. The car wash vacuum parking spaces shall be available for use by patrons of the movie-theater and restaurants during non-operating hours.
67. All on-site curbs, not associated with a parking space, shall be painted red.
68. The proposed trash enclosure shall be designed to comply with the City's B-502 trash enclosure standard, or with an alternative design approved by the Public Works Engineering Division.
69. The trash enclosures shall have unifying color and exterior finish that matches, and are integrated, with the proposed development. The proposed roof design of the trash enclosure shall be architecturally compatible with the design of the development. The Planning Services Division shall review and approve the design of the proposed roof and the material(s). The proposed roof and materials shall also comply with the building code requirements.

70. The trash bins shall be kept inside the trash enclosures, and gates closed at all times, except during disposal and pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site.
71. As part of the finalized working drawings for Planning Division, Engineering Division, and Building Plan Check, the applicant 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.
72. Any and all corrections 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.
73. The design and operation of the drive-thru speaker system, including automatic timer, volume control, and message board, is subject to Planning Services Division review and approval. In the event that complaints are received from adjacent uses concerning noise created by the new food ordering speaker system, the applicant shall provide a plan to address the issues to the satisfaction of the Community and Economic Development Department.
74. The drive-thru menu/order board shall be designed to match the building, shall incorporate the same color and materials.
75. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018, and his/her agreement with all conditions of approval.
76. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the uses and development authorized by this approval of Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
77. 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 Planned Unit Development No. PUD-104-73 (Rev. 2018), Site

Plan No. SP-057-2018, Lot Line Adjustment No. LLA-019-2018, and/or Conditional Use Permit No. CUP-140-2018. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.