



## AGENDA

Garden Grove City  
Council

Tuesday, June 8, 2021

6:30 PM

Community Meeting  
Center, 11300 Stanford  
Avenue, Garden Grove,  
California 92840

**Steve Jones**

Mayor

**Kim B. Nguyen**

Mayor Pro Tem - District 6

**George S. Brietigam**

Council Member - District 1

**John R. O'Neill**

Council Member - District 2

**Diedre Thu-Ha Nguyen**

Council Member - District 3

**Patrick Phat Bui**

Council Member - District 4

**Stephanie Klopfenstein**

Council Member - District 5

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**COVID-19 Information:** Masks are required to be worn and adherence to six foot distancing from others when attending public meetings.

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, to address the City Council, should contact the City Clerk's Office 72 hours prior to the meeting to arrange for accommodations. Phone: (714) 741-5040.

**Agenda Item Descriptions:** Are intended to give a brief, general description of the item. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

**Documents/Writings:** Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Council Members within 72 hours of a meeting, are made available for public inspection at the same time (1) in the City Clerk's Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; (2) on the City's website as an attachment to the City Council meeting agenda; and (3) at the Council Chamber at the time of the meeting.

**Public Comments:** Members of the public desiring to address the City Council are requested to complete a **pink speaker card** indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the City Clerk prior to the start of the meeting. General comments are made during "Oral Communications" and should be limited to matters under consideration and/or what the City Council has jurisdiction over. Persons wishing to address the City Council regarding a Public Hearing matter will be called to the podium at the time the matter is being considered.

**Manner of Addressing the City Council:** After being called by the Mayor, you may approach the podium, it is requested that you state your name for the record, and proceed to address the City Council. All remarks and questions should be addressed to the City Council as a whole and not to individual Council Members or staff members. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the City Council shall be called to order by the Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City Council any further during that meeting.

**Time Limitation:** When any group of persons wishes to address the City Council on the same subject matter, the Mayor may request a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. At the City Council's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set.

**PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.**

## AGENDA

ROLL CALL: COUNCIL MEMBER BRIETIGAM, COUNCIL MEMBER O'NEILL, COUNCIL MEMBER D. NGUYEN, COUNCIL MEMBER BUI, COUNCIL MEMBER KLOPFENSTEIN, MAYOR PRO TEM K. NGUYEN, MAYOR JONES

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

1. ORAL COMMUNICATIONS (to be held simultaneously with other legislative bodies)

RECESS

CONDUCT OTHER LEGISLATIVE BODIES' BUSINESS

RECONVENE

2. CONSENT ITEMS

*(Consent Items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Council Member.)*

- 2.a. Adoption of a Proclamation proclaiming June 19th as Juneteenth in Garden Grove. *(Action Item)*
- 2.b. Adoption of a Proclamation declaring June 20th as World Refugee Day in Garden Grove. *(Action Item)*
- 2.c. Approval of Final Parcel Map No. PM 2019-160 for property located at 13531-13551 Harbor Boulevard, Garden Grove. *(Action Item)*
- 2.d. Adoption of a Resolution approving the Garden Grove Tourism Improvement District Advisory Board's 2021-22 Annual Report, Declaration of Intention to levy assessments for Fiscal Year 2021-22, and setting the time and date to conduct a public hearing on the proposed assessment. *(Action Item)*
- 2.e. Approval of the adjustment to the calendar year 2021 Water Commodity Delivery Charges. *(Action Item)*

- 2.f. Approval of an agreement with the Orange County Transportation Authority for grant funding for the Senior Mobility Program. *(Action Item)*
- 2.g. Award a contract to Infrastructure Management Services for a Pavement Management Program for Fiscal Years 2021/22 through 2025/26. (Cost: \$203,353 for five years) *(Action Item)*
- 2.h. Award a contract to Siemens Mobility, Inc., for on-call traffic signal and street lighting maintenance and repair. (Cost: \$150,000) *(Action Item)*
- 2.i. Approval to waive full reading of Ordinances listed. *(Action Item)*

### 3. PUBLIC HEARINGS

*(Motion to approve will include adoption of each Resolution unless otherwise stated.)*

- 3.a. Adoption of a Resolution to confirm the annual levy of Fiscal Year 2021-22 Assessment for the Downtown Assessment District. *(Action Item)*
- 3.b. Adoption of Resolutions Confirming the Annual Levy of Fiscal Year 2021/22 Assessments for the Garden Grove Street Lighting District, the Garden Grove Street Lighting District No. 99-1, and the Garden Grove Park Maintenance District. *(Action Item)*
- 3.c. Introduction and first reading of an Ordinance to approve Planned Unit Development No. PUD-128-12(A)  
Entitled:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A), AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-128-12, TO ESTABLISH SEPARATE IMPLEMENTATION PROVISIONS AND DEVELOPMENT STANDARDS FOR PROPERTY LOCATED ON the EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD (ASSESSOR PARCEL NUMBER 231-491-21). *(Action Item)*

### 4. COMMISSION/COMMITTEE MATTERS

- 4.a. Consideration of an appointment to fill a vacancy on the Parks, Recreation and Arts Commission. *(Action Item)*

### 5. ITEMS FOR CONSIDERATION

- 5.a. Introduction and first reading of Fiscal Year 2021-22 Paramedic Tax Override Rate Ordinance  
Entitled:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING THE AMOUNT OF MONEY

FOR PARAMEDIC SERVICES THAT MUST BE RAISED BY AN AD VALOREM TAX OVERRIDE AND THE SETTING OF THE TAX RATE OF SAID OVERRIDE (*Action Item*)

6. MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

- 6.a. City Council Review and Approval of a six (6) month extension for the Accessible Business Program, and confirm the necessity of continuing the local emergency. (*Action Item*)

7. ADJOURNMENT

The next Regular City Council Meeting is Tuesday, June 22, 2021, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

***Happy Birthday Council Member Klopfenstein***



**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Scott C. Stiles From: Teresa Pomeroy  
Dept.: City Manager Dept.: City Clerk  
Subject: Adoption of a Proclamation Date: 6/8/2021  
proclaiming June 19th as  
Juneteenth in Garden  
Grove. (*Action Item*)

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Attached is a Proclamation proclaiming June 19th as Juneteenth in Garden Grove recommended for adoption.

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Proclamation	5/24/2021	Proclamation	6-8- 21_Proclamation_for_Junetheenth.pdf

Proclamation  
June 19<sup>th</sup> as Juneteenth

WHEREAS, As stated within the preamble of the United States Declaration of Independence, *we are endowed by our Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness*; and

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in the Confederate territory free, paving the way for the passing of the 13<sup>th</sup> Amendment that formally abolished slavery in the United States of America; and

WHEREAS, Word about the Emancipation Proclamation reached authorities and African-Americans in the South and Southwestern United States on June 19, 1865; and

WHEREAS, In 1996 the first legislation to recognize “Juneteenth Independence Day” was introduced in the U.S. House of Representatives, under H.J. Resolution 195; and

WHEREAS, In 1997 Congress recognized the day through Senate Joint Resolution 11 and House Joint Resolution 56; and

WHEREAS, June 19<sup>th</sup> has a special meaning to African-Americans, and is called “Juneteenth” combining the words June and Nineteenth, and has been celebrated by the African-American community for over 150 years.

NOW, THEREFORE, WE, the Garden Grove City Council, do hereby acknowledge and recognize the past struggles to end slavery in the United States in order to form a more perfect union, and to proclaim June 19<sup>th</sup> as Juneteenth in Garden Grove.

June 8, 2021

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Scott C. Stiles From: Teresa Pomeroy  
Dept.: City Manager Dept.: City Clerk  
Subject: Adoption of a Proclamation Date: 5/25/2021  
declaring June 20th as World  
Refugee Day in Garden  
Grove. (*Action Item*)

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Attached is a Proclamation that June 20th be officially recognized as World Refugee Day in Garden Grove recommended for adoption.

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Proclamation	5/24/2021	Proclamation	6-8- 21_Proclamation.World_Refugee_Day.2021.pdf

## PROCLAMATION

### Honoring World Refugee Day 2021

- WHEREAS, World Refugee Day was held globally for the first time on June 20, 2001, commemorating the 50<sup>th</sup> anniversary of the 1951 Convention relating to the Status of Refugees.
- WHEREAS, this year's theme, in response to COVID-19 with refugees suffering the most, is "Together we Learn, Heal, and Shine."
- WHEREAS, World Refugee Day is a global day to commemorate the courage, strength, and determination of the women, men, and children who are forced to flee their homes under the threats of conflict, violence, and persecution;
- WHEREAS, At least 79.5 million people around the world have been forced to flee their homes. Among them are nearly 26 million refugees, around half of whom are under the age of 18;
- WHEREAS, children account for 40 percent of the refugee population in the world, millions of whom are unable to access basic services including education;
- WHEREAS, on World Refugee Day we recognize not only the challenges and uncertainty refugees face, but also their will to survive and rebuild their lives. Refugees have made invaluable contributions, expanding our worldviews and enriching our communities with their diverse traditions, perseverance, ingenuity, and hard-earned wisdom;
- WHEREAS, the Refugee Forum of Orange County (RFOC) was formed in 1976 as an umbrella group of organizations such as Access California Services, Cal Optima, World Relief, United Nations Association, Orange County Social Services, Orange County Health Care Agency, American Red Cross, Salvation Army, Heart of Mercy, Uplift Charity, Sabil USA, and individuals who work with refugees to assist with their successful resettlement in Orange County;
- WHEREAS, more than four decades, the rich diversity of refugees in Orange County included Vietnamese, Cambodians, Cham, Iraqis, Afghans, Syrians, Iranians, East Africans, Mexicans, Salvadorians, Cubans, and many other communities that have contributed to Orange County's economic and civic prosperity; and
- WHEREAS, refugees are public officials, entrepreneurs, doctors, lawyers, teachers, business owners, our neighbors and contributing citizens.

NOW, THEREFORE, BE IT PROCLAIMED, by the Garden Grove City Council that June 20th be officially recognized as World Refugee Day in Garden Grove.

June 8, 2021

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Scott C. Stiles From: William E. Murray

Dept.: City Manager Dept.: Public Works

Subject: Approval of Final Parcel Map No. PM 2019-160 for property located at 13531-13551 Harbor Boulevard, Garden Grove. (*Action Item*) Date: 6/8/2021

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**OBJECTIVE**

To receive City Council approval of Final Parcel Map No. PM-2019-160 for the property located on the southwest corner of Harbor Boulevard and Trask Avenue at 13531-13551 Harbor Boulevard, Garden Grove.

**BACKGROUND**

On August 20, 2020, pursuant to Planning Commission Resolution No. 5999-20, the Applicant received approval of Site Plan No. SP-087-2020 and Tentative Parcel Map No. PM-2023-2020. A copy of Planning Resolution No. 5999-20 is attached.

**DISCUSSION**

The proposed Final Parcel Map PM-2019-160 eliminates the existing lot lines and consolidates (4) separate parcels into two (2) single lots to accommodate the construction of the new self-storage facility.

The conditions of approval requires the applicant to 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. To guarantee the protection and re-establishment of all the monuments of the subject development the developer has opted to provide a deposit in the forms of cashier's checks.

Staff has reviewed all the subdivision documentation mandated by city ordinances, conditions of approval, and the Subdivision Map Act and finds this map to be in compliance. The owner has complied with all conditions of the tentative parcel map. The Tentative Parcel Map was originally approved by the City Planning Commission as Tentative Parcel Map No. PM-2023-2020, which was the Planning Division tracking number. PM-2019-160 is the County Surveyor's assigned number for the final map.

## FINANCIAL IMPACT

There is no financial impact to the General Fund.

## RECOMMENDATION

It is recommended that the City Council:

- Approve the Final Parcel Map No. PM 2019-160

By: Kamyar Dibaj, Project Engineer

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Copy of Final Parcel Map No. PM 2019-160	5/19/2021	Backup Material	Parcel_Map_No-2019-160.pdf
RESOLUTION NO.5999-20	5/19/2021	Resolution	RESO_-5999-20_(1).pdf
Copy of monumentation cashier check PM 2019-160	5/24/2021	Backup Material	PM_2019-160_CASHIER_CHECK_MONUMENTATION.pdf



SHEET 1 OF 2 SHEETS  
ALL OF TENTATIVE PARCEL MAP No. 2019-160  
NUMBERED PARCELS: 1  
LETTERED PARCELS: 1  
2.013 ACRES (GROSS)  
1.839 ACRES (NET)  
DATE OF SURVEY: JUNE 2020

### OWNERSHIP CERTIFICATE

WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP, AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

1. WE HEREBY DEDICATE IN FEE, TO THE PUBLIC, FOR STREET AND UTILITY PURPOSES HARBOR BOULEVARD, SHOWN AS PARCEL "A" ON SAID MAP.
2. WE ALSO HEREBY DEDICATE TO THE CITY OF GARDEN GROVE: ALL RIGHTS TO UNDERGROUND WATER WITHOUT THE RIGHT OF SURFACE ENTRY.
3. WE HEREBY RELEASE AND RELINQUISH TO THE CITY OF GARDEN GROVE ALL VEHICULAR ACCESS RIGHTS TO HARBOR BOULEVARD, EXCEPT AT APPROVED ACCESS LOCATIONS.

**DONALD WARREN JENSEN AND SUSIE BREMER JENSEN,  
CO-TRUSTEES UDT OF THE JENSEN FAMILY TRUST, AS OWNER**

BY: Donald Warren Jensen BY: Susie Bremer Jensen  
TITLE: CO-TRUSTEE AKA DONALD W. JENSEN TITLE: CO-TRUSTEE  
AKA DONALD JENSEN

**DONALD W. JENSEN, AS OWNER**

BY: Donald W. Jensen AKA DONALD WARREN JENSEN  
TITLE: OWNER AKA DONALD JENSEN

### NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California } SS  
COUNTY OF Orange

ON 3-30-2021 BEFORE ME, Lauren Lee Martin, NOTARY PUBLIC, PERSONALLY APPEARED Donald Jensen AND Susie Jensen WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE Lauren Lee Martin  
NOTARY PUBLIC IN AND FOR SAID STATE  
(PRINT NAME)

MY PRINCIPAL PLACE OF BUSINESS IS  
IN Orange COUNTY.

MY COMMISSION NO. 2261133

MY COMMISSION EXPIRES: 11-1-22

### SIGNATURE OMISSIONS:

THE SIGNATURE OF THE PARTIES NAMED HEREINAFTER AS OWNERS OF THE INTEREST SET FORTH, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 (a)(3)(A) (i-viii) OF THE SUBDIVISION MAP ACT, AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOCAL AGENCY:

STEARNS RANCHO COMPANY, HOLDER OF AN EASEMENT FOR ROADS, RAILROADS AND DITCHES PURPOSES AS DISCLOSED BY DEED RECORDED APRIL 15, 1889 IN BOOK 561, PAGE 169 OF DEEDS OF LOS ANGELES COUNTY.

CITY OF GARDEN GROVE, HOLDER OF AN EASEMENT FOR STREET PURPOSES AS DISCLOSED BY DEED RECORDED APRIL 30, 1963 IN BOOK 6530, PAGE 150 OF OFFICIAL RECORDS.

# PARCEL MAP No. 2019-160

IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE EAST 8 ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS, PER MAP FILED IN BOOK 51, PAGE 12 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

JOSEPH G. TRUXAW, PLS 6871

DATE OF SURVEY: JUNE 2020

### CITY CLERK'S CERTIFICATE

STATE OF CALIFORNIA } SS  
COUNTY OF ORANGE  
CITY OF GARDEN GROVE

I HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AND THAT THEREUPON SAID COUNCIL DID, BY AN ORDER DULY PASSED AND ENTERED, APPROVE SAID MAP, AND APPROVE SAID MAP, AND DID ACCEPT ON BEHALF OF THE PUBLIC THE DEDICATION IN FEE, FOR PUBLIC STREET AND UTILITY PURPOSES, HARBOR BOULEVARD, SHOWN AS PARCEL "A" ON SAID MAP.

AND DID ALSO ACCEPT ON BEHALF OF THE CITY OF GARDEN GROVE:

1. ALL RIGHTS TO UNDERGROUND WATER WITHOUT THE RIGHTS TO SURFACE ENTRY.
2. THE VEHICULAR ACCESS RIGHTS AS RELEASED AND RELINQUISHED.

AND DID ALSO APPROVE SUBJECT MAP PURSUANT TO THE PROVISIONS OF SECTION 66436 (a)(3)(A) OF THE SUBDIVISION MAP ACT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

TERESA POMEROY  
CITY CLERK, CITY OF GARDEN GROVE

### NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California } SS  
COUNTY OF Orange

ON 3-30-21 BEFORE ME, Lauren Lee Martin, NOTARY PUBLIC, PERSONALLY APPEARED Donald Jensen AND Susie Jensen WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE Lauren Lee Martin  
NOTARY PUBLIC IN AND FOR SAID STATE  
(PRINT NAME)

MY PRINCIPAL PLACE OF BUSINESS IS  
IN Orange COUNTY.

MY COMMISSION NO. 2261133

MY COMMISSION EXPIRES: 11-1-22

### SIGNATURE OMISSIONS: (continued)

CITY OF GARDEN GROVE, HOLDER OF AN EASEMENT FOR PUBLIC STREET AND HIGHWAY PURPOSES AS DISCLOSED BY DEED RECORDED JUNE 17, 1993 AS INSTRUMENT NO. 93-0406502 OF OFFICIAL RECORDS.

CITY OF GARDEN GROVE, HOLDER OF AN EASEMENT FOR PUBLIC STREET AND HIGHWAY PURPOSES AS DISCLOSED BY DEED RECORDED JUNE 6, 2007 AS INSTRUMENT NO. 2007000361137 OF OFFICIAL RECORDS.

ACCEPTED AND FILED AT THE  
REQUEST OF

FIRST AMERICAN TITLE INSURANCE COMPANY

DATE \_\_\_\_\_

TIME \_\_\_\_\_ FEE \$ \_\_\_\_\_

INSTRUMENT NO. \_\_\_\_\_

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

HUGH NGUYEN  
COUNTY CLERK-RECORDER

BY \_\_\_\_\_  
DEPUTY

### SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DONALD JENSEN IN JUNE 2020. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN SUCH POSITIONS WITHIN 24 MONTHS OF MAP RECORDATION AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

DATED: 3-30-2021 SIGNED: Joseph G. Truxaw  
P.L.S. 6871

### CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE SUBSTANTIALLY IN CONFORMANCE WITH THE TENTATIVE MAP, IF REQUIRED, AS FILED WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.

DATED THIS 18th DAY OF May, 2021

DANIEL J. CANDELARIA, R.C.E. 52125  
CITY ENGINEER, CITY OF GARDEN GROVE

### COUNTY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND THAT ALL MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

KEVIN R. HILLS, COUNTY SURVEYOR  
P.L.S. 6617

BY: LILY M. N. SANDBERG, DEPUTY COUNTY SURVEYOR  
P.L.S. 8402

### COUNTY TREASURER-TAX COLLECTOR'S CERTIFICATE

STATE OF CALIFORNIA } SS  
COUNTY OF ORANGE

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE, THERE ARE NO LIENS AGAINST THE LAND COVERED BY THIS MAP OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOT YET PAYABLE.

AND DO CERTIFY TO THE RECORDER OF ORANGE COUNTY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING DEPOSITS TO SECURE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

SHARI L. FREIDENRICH  
COUNTY TREASURER-TAX COLLECTOR

BY: \_\_\_\_\_  
TREASURER-TAX COLLECTOR



SHEET 2 OF 2 SHEETS  
ALL OF TENTATIVE PARCEL MAP No. 2019-160  
NUMBERED PARCELS: 1  
LETTERED PARCELS: 1  
2.013 ACRES (GROSS)  
1.839 ACRES (NET)  
DATE OF SURVEY: JUNE 2020

#### G.P.S. MONUMENT NOTES

- 1 GPS MONUMENT NO. 4167  
N 2226811.65  
E 6054039.85
- 2 GPS MONUMENT NO. 4168  
N 2226824.22  
E 6051392.42

#### BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING BETWEEN O.C.S. HORIZONTAL CONTROL STATION GPS NO. 4167 AND O.C.S. HORIZONTAL CONTROL STATION GPS NO. 4168 BEING NORTH 89°43'41" WEST PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

#### DATUM STATEMENT

COORDINATES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, 1983 NAD, (2017.50 EPOCH OCS ADJUSTMENT).

ALL DISTANCES SHOWN ARE GROUND, UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES MULTIPLY GROUND DISTANCE BY 0.99998386 (MEAN VALUE).

#### MONUMENT NOTES:

- INDICATES A 2" IRON PIPE, TAGGED "LS 6871" TO BE SET FLUSH, OR SPIKE AND WASHER STAMPED "LS 6871" TO BE SET FLUSH IN A.C. OR LEAD, TACK & TAG STAMPED "LS 6871" TO BE SET FLUSH IN CONCRETE AND IN BLOCK WALLS, AT PARCEL MAP BOUNDARY CORNERS, UNLESS OTHERWISE NOTED.
- INDICATES FOUND MONUMENT, AS NOTED.
- ▲ INDICATES FOUND G.P.S. POINT, AS NOTED.

- 1 FOUND LEAD, TACK AND TAG "LS 4743" PER CORNER RECORD 2010-2253 AND (R1), FLUSH.
- 2 FOUND 1" IRON PIPE, OPEN. ACCEPTED AS 1" IRON PIPE AND TAG "LS 5343" PER (R1) AND (R2), DOWN 0.1'. ACCEPTED AS POINT ON THE CENTERLINE OF HARBOR BOULEVARD PER (R1) AND (R2). TAG "LS 6871" TO BE SET.
- 3 FOUND 1" IRON PIPE, "LS 5343" PER (R1) AND (R2), N00°21'11"E 0.11' FROM PROPERTY CORNER ON WESTERLY LINE OF (R4), DOWN 0.2'. (SEE DETAIL "A", HEREON).
- 4 FOUND PUNCHED SPIKE AND WASHER STAMPED "LS 5343", FLUSH PER (R1 & R2).
- 5 FOUND 2" IRON PIPE, TAG ILLEGIBLE PER (R1), FLUSH. ACCEPTED AS POINT ON THE WEST LINE OF (D).

#### RECORD MAP REFERENCES:

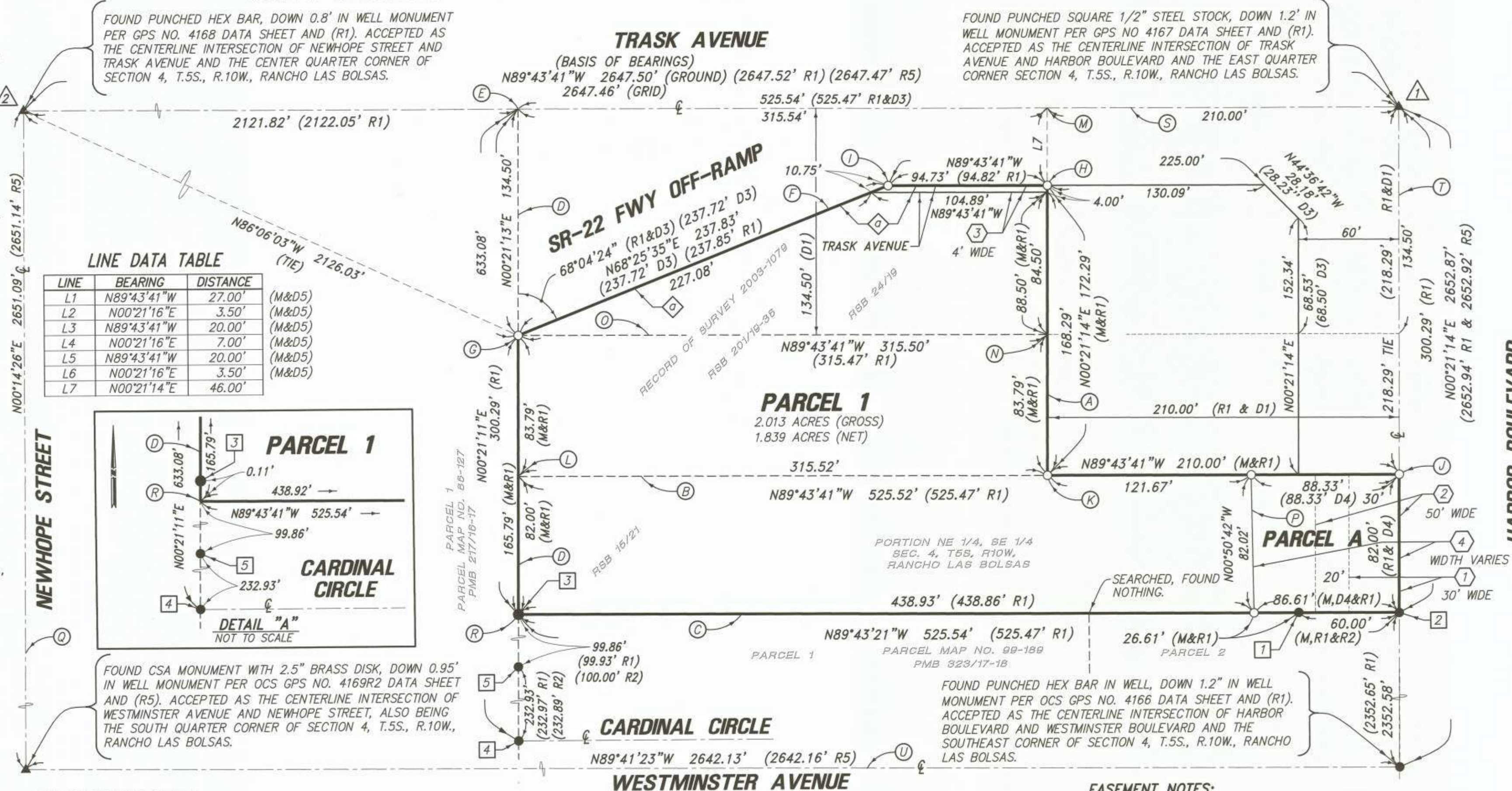
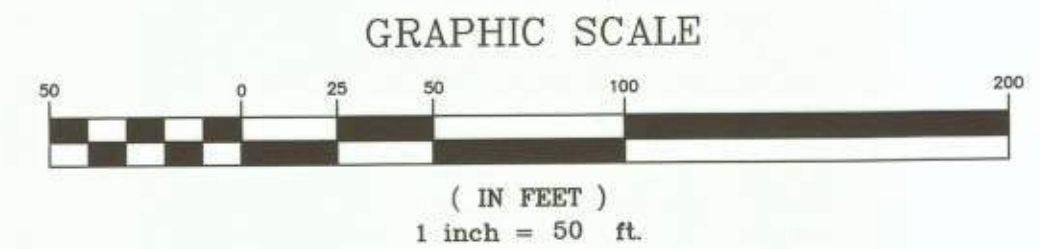
- (R1) RECORD OF SURVEY 2017-1031, FILED IN BOOK 294, PAGE 15, RECORDS OF SURVEY.
- (R2) PARCEL MAP NO. 99-189, FILED IN BOOK 323, PAGES 17 AND 18 OF PARCEL MAPS.
- (R3) PARCEL MAP NO. 86-127, FILED IN BOOK 217, PAGES 16 AND 17 OF PARCEL MAPS.
- (R4) MAP FILED IN BOOK 51, PAGE 12 OF MISCELLANEOUS MAPS.
- (R5) RECORD OF SURVEY 2003-1079 FILED IN BOOK 201, PAGES 19 THROUGH 36, INCLUSIVE OF RECORDS OF SURVEY.

#### RECORD DEED REFERENCES:

- (D1) DEED RECORDED DECEMBER 27, 1991 AS INSTRUMENT NO. 91-713666, OFFICIAL RECORDS.
- (D2) DEED RECORDED DECEMBER 27, 1991 AS INSTRUMENT NO. 91-713668, OFFICIAL RECORDS.
- (D3) GRANT DEED TO THE STATE OF CALIFORNIA, RECORDED MAY 7, 1962 AS INSTRUMENT NO. 3873, IN BOOK 6098, PAGE 831, OFFICIAL RECORDS.
- (D4) DEED RECORDED JUNE 6, 2007 AS INSTRUMENT NO. 2007000361137, OFFICIAL RECORDS.
- (D5) PARCEL 2 OF GRANT DEED, RECORDED OCTOBER 14, 1949 IN BOOK 1915, PAGE 276, OFFICIAL RECORDS.

# PARCEL MAP No. 2019-160

IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA  
JOSEPH G. TRUXAW, PLS 6871 DATE OF SURVEY: JUNE 2020



#### EASEMENT NOTES:

- 1 STEARNS RANCHO COMPANY, HOLDERS OF AN EASEMENT FOR ROADS, RAILROADS AND DITCHES PURPOSES AS DISCLOSED BY DOCUMENT RECORDED APRIL 15, 1889 IN BOOK 561, PAGE 169 OF DEEDS OF LOS ANGELES COUNTY. PLOTTED HEREON.
- 2 CITY OF GARDEN GROVE, HOLDERS OF AN EASEMENT FOR STREET PURPOSES AS DISCLOSED BY DOCUMENT RECORDED APRIL 30, 1963 IN BOOK 6530, PAGE 150, OFFICIAL RECORDS. PLOTTED HEREON.
- 3 CITY OF GARDEN GROVE, HOLDERS OF AN EASEMENT FOR PUBLIC STREET AND HIGHWAY PURPOSES AS DISCLOSED BY DOCUMENT RECORDED JUNE 17, 1993 AS INSTRUMENT NO. 93-0406502, OFFICIAL RECORDS. PLOTTED HEREON.
- 4 CITY OF GARDEN GROVE, HOLDERS OF AN EASEMENT FOR PUBLIC STREET AND HIGHWAY PURPOSES AS DISCLOSED BY DOCUMENT RECORDED JUNE 6, 2007 AS INSTRUMENT NO. 2007000361137, OFFICIAL RECORDS. PLOTTED HEREON.

#### NOTES:

PARCEL "A" IS NOT A SEPARATE BUILDING SITE.

ALL VEHICULAR ACCESS RIGHTS TO HARBOR BOULEVARD ARE RELEASED AND RELINQUISHED TO THE CITY OF GARDEN GROVE HEREON, EXCEPT AT APPROVED ACCESS LOCATIONS.

- ABUTTER'S RIGHTS OF INGRESS AND EGRESS RELEASED AND RELINQUISHED TO THE STATE OF CALIFORNIA PER DOCUMENT RECORDED MAY 7, 1962 IN BOOK 6098, PAGE 831 OF OFFICIAL RECORDS.



RESOLUTION NO. 5999-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-087-2020 AND TENTATIVE PARCEL MAP NO. PM-2023-2020, FOR PROPERTIES LOCATED ON THE SOUTHWEST CORNER OF HARBOR BOULEVARD AND TRASK AVENUE, AT 13531-13551 HARBOR BOULEVARD, ASSESSOR'S PARCEL NOS. 100-122-11, 12, 22 AND 23.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 20, 2020, does hereby approve Site Plan No. SP-087-2020 and Tentative Parcel Map No. PM-2023-2020, for properties located on the southwest corner of Harbor Boulevard and Trask Avenue, at 13531-13551 Harbor Boulevard, Assessor's Parcel Nos. 100-122-11, 12, 22 and 23, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-087-2020 and Tentative Parcel Map No. PM-2023-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by William T. Truxaw ("The Applicant")
2. The applicant requests Site Plan approval to construct a new 43,934 square-foot self-storage facility with an office and a manager's dwelling along with associated site improvements on a property located at 13531 and 13551 Harbor Boulevard. In conjunction with the request, the applicant is requesting a Tentative Parcel Map approval to consolidate (4) separate parcels into one (1) single lot to accommodate the construction of the new self-storage facility.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Reg. § 15332). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services. The project is therefore, exempt from CEQA review.
4. The subject site has a General Plan Land Use Designation of Heavy Commercial, and is zoned C-3 (Heavy Commercial). The subject site is approximately 1.84 acres, and is located at the southwest corner of Harbor Boulevard and Trask

Avenue.

5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property has been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on August 20, 2020, 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 on August 20, 2020, 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 and 9.40.190, are as follows:

**FACTS:**

The property is located at the southwest corner of Harbor Boulevard and Trask Avenue, and is located to the south and west of an existing commercial lot that is improved with a gas station. The property is irregularly shaped with dual frontage on both arterial streets, and is 1.84 acres in size. The site has a General Plan Land Use Designation of Heavy Commercial and is zoned C-3 (Heavy Commercial). The property abuts a C-3 zoned property and the California State Route 22 (CA-22) to the north; C-3 zoned properties to the south; an M-1 (Light Industrial) zoned property to the west, and C-2 (Community Commercial) zoned properties, across Harbor Boulevard, to the east. Surrounding uses that abut the subject property include a gas station to the north; a fleet vehicle storage and a restaurant to the south; different industrial uses that include wholesale, warehousing, vehicle repair to the west; and a commercial shopping center, across Harbor Boulevard, to the east.

The applicant proposes to demolish all the existing on-site improvements in order to construct a new 43,934 square foot self-storage facility with an office, and a manager's residence along with associated site improvements. In conjunction with the request, the applicant also requests Tentative Parcel Map approval to consolidate four (4) existing parcels on the property into one (1) single lot to accommodate the construction of the new storage facility.

**FINDINGS AND REASONS:**

**SITE PLAN**

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

The subject site has a General Plan Land Use Designation of Heavy Commercial and is zoned C-3 (Heavy Commercial). The Heavy Commercial Land Use designation is intended to provide for a variety of more intensive commercial uses such as automotive repair, sales, and services; wholesaling; and contractor's storage yard. Goal ED-2 of the General Plan encourages a business environment that welcomes new businesses; while Policy LU-2.4 assures the type and intensity of land use shall be consistent with that of the immediate neighborhood. The proposed storage facility is located in the area that is improved with different types of commercial and industrial uses. Abutting uses include a gas station to the north; a fleet vehicle storage and a restaurant to the south; different industrial types of uses that include wholesale, warehousing, vehicle repair to the west; and a commercial shopping center, across Harbor Boulevard, to the east. The proposed self-storage facility will be compatible with the immediate area, and will revitalize Harbor Boulevard corridor. Thus, the proposed development is consistent with the spirit and intent of the General Plan.

The C-3 zone is intended to provide for a wide range of commercial uses, primarily more intensive services and uses of wholesale/retail combinations, such as storage and vehicle sales and services. The subject property possesses characteristics that meet the intention of the Municipal Code. In addition, the proposed development is designed to comply with the C-3 zone development standards and the operating requirements for self-storage including Floor Area Ratio (F.A.R.), lot size, location, parking, setbacks, landscaping and manager's residence. Thus, the proposed project is in compliance with the Municipal Code, and other applicable ordinances.

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.

While the Municipal Code requires nine (9) open parking spaces, the project will provide a total of 15 open, on-site parking spaces in front of the storage area and office area. A two-car enclosed garage for the manager's residences is also provided. Thus, the parking spaces provided will exceed the minimum parking requirements required by six (6) spaces. All of the parking spaces will be accessible by a new, L-shaped drive aisle along the northerly and easterly property lines. The new drive aisle will be served by a modified driveway approach along Harbor Boulevard. In addition, the design also includes a new, 4'-0" wide pedestrian walkway, which originates from the public right-of-way to the front of the building, and continues along the side of the building as a striped path-of-travel within drive aisle. The design also includes a metal gate with a Knox box on the driveway to secure the facility. The gate will be installed adjacent to the building, and will be set back 82 feet from the front property line. The project has been designed to provide efficient on-site vehicle and pedestrian circulation. The project is designed to provide sufficient on site vehicle and pedestrian circulation; thus, it does not adversely affect essential on-site circulation and points of vehicular and pedestrian access.

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

The subject property will be served by Harbor Boulevard, which is classified as a major arterial street, and will be adequate to accommodate the development. Existing utilities and drainage channels in the area are also adequate to accommodate the development. The proposed development will maintain landscaping and proper maintenance of the site, thereby not adversely impacting the area. The Public Works Department has reviewed the project and has incorporated all of the appropriate conditions of approval to minimize any adverse impacts.

4. The proposed development shall be compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The subject development is located in an area that is improved with commercial and industrial uses. Abutting uses include a gas station to the north; a fleet vehicle storage and a restaurant to the south; different industrial uses that include wholesale, warehousing, vehicle repair to the west; and a commercial shopping center, across Harbor Boulevard, to the east. The proposed self-storage facility incorporates modern and contemporary architectural style to have the appearance of an industrial building that will be compatible with the immediate, commercial/industrial area. The building includes different forms of massing. While the majority of the building will be single-story, and 18 feet in height as measured from finished floor to top of parapet; the design also includes three (3), 32- foot tall towers located on the northeast, northwest and southeast corners of the building. The tower elements will eliminate the box-shaped design, and will function as architectural features for the project. The exterior finishes of the building will consist of earthy tone colored stucco (such as light green, beige and gray color) with stucco reveal channels. The design also includes the use of multiple faux roll-up doors on the north and east elevation to eliminate the appearance of the long and blank wall. In addition, the three towers will be plated with copper colored metal panels, and will have glass store front windows and decorative, metal awnings to further accentuate the industrial architectural style. Thus, the development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

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

The proposed self-storage facility will be set back 82 feet from the front property line, 20 feet from the street side property line, 20 feet from the rear property line, and 10 feet from the interior side property line, which will comply with the minimum setback requirements set forth by the zoning code. In addition, the project will

provide a total of 17,880 square feet of landscaping that includes 5,344 square feet of landscaping within the required setback and an additional 12,536 square feet of landscaping throughout the site. In addition to the self-storage, the project also provides a 300 square foot, open yard area for the manager's residence. Thus, the project complies with the minimum setback, landscape, and open space required by the zoning code, and will attain an attractive environment for the occupants of the property.

#### TENTATIVE PARCEL MAP

1. The proposed map is consistent with the General Plan.

The subject site has a General Plan Land Use Designation of Heavy Commercial and is zoned C-3 (Heavy Commercial). The Heavy Commercial Land Use designation is intended to provide for a variety of more intensive commercial uses such as automotive repair, sales, and services; wholesaling; and contractor's storage yard. Policy LU-2.4 of the General Plan assures the type and intensity of land use shall be consistent with that of the immediate neighborhood, while Goal ED-2 of the General Plan encourages a business environment that welcomes new businesses. The subject property is located in an area that is improved with a variety of commercial and industrial uses. Abutting uses include a gas station to the north; a fleet vehicle storage and a restaurant to the south; a variety of industrial uses to the west; and a shopping center, across Harbor Boulevard, to the east. A self-storage facility is a permitted use in C-3 (Heavy Commercial) zone, and it is compatible with the immediate area that is improved with various commercial/industrial types of uses. Since the subject site consists of four (4) separate parcels, and the California Building Code prohibits buildings to be constructed over property line, the proposed Tentative Parcel Map is needed to accommodate the construction of the new facility. Thus, the proposed map is consistent with the General Plan.

2. The design and improvement of the proposed subdivision is consistent with the General Plan.

The proposed development is designed to be in compliance with the required minimum lot size and lot depth for a self-storage facility in C-3 zone. In addition, the proposed project meets all other special requirements for self-storage such as F.A.R., location, parking, setbacks and manager's residence. The facility is designed to have the appearance of an industrial building, which is compatible with the surrounding areas that are improved with different commercial and industrial types of uses. Since zoning code is the primary implementation tool of the General Plan and by complying with the zoning requirements, the project is consistent with the spirit and intent of the General Plan.

3. The site is physically suitable for the proposed type of development.

The Municipal Code requires a minimum lot size of one (1) acre and a minimum lot depth of 200 feet to develop a self-storage facility. After the lot consolidation, the total lot size will be 1.84 acres with a lot depth of 438.15 feet measured from the front property line that abuts Harbor Boulevard. Both exceed the requirement of the Municipal Code. In addition, the property is located adjacent to a major arterial, Harbor Boulevard, which will provide adequate access to the site. Thus, the site is physically suitable for the proposed type of development.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The subject site is located in a developed urban area, and the proposed improvements are not anticipated to impact any existing fish or wildlife habitat.

5. The requirements of the California Environmental Quality Act have been satisfied.

The proposed development is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Reg. § 15332).

6. The site is physically suitable for the proposed density of the development.

The subject property is zoned C-3 (Heavy Commercial). The Municipal Code sets the maximum land use intensity for commercial uses (except for hotels) in this zone at 0.55 F.A.R. Based on the lot size of 1.84 acres, the maximum F.A.R. for the site is 44,082.72 square foot. With the total building floor area (including the storage area, the office area and the manager's residence) of 43,461 square feet, and the total lot size of 80,081 square feet, the F.A.R. for this project is 0.54, which complies the requirements of the Municipal Code. Thus, the site is physically suitable for the proposed use intensity of the development.

7. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

The City's Public Works Department, Community and Economic Development Department, Police Department, and Orange County Fire Authority, have reviewed the proposed development, and have applied conditions of approval to minimize against any potential impacts. The conditions of approval for on- and off-site improvements will safeguard the public health. As long as the conditions of approval are adhered to for the life of the project, the design of the subdivision, and the proposed improvements, are not likely to cause serious public health problems.

8. The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.

The design of the subdivision and the proposed improvements will not conflict with easements of record, or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision. The project has been designed to avoid development over existing easements.

9. The design and improvement of the proposed subdivision are suitable for the uses proposed, and the subdivision can be developed in compliance with the applicable zoning regulations.

The subject site is zoned C-3, which allows for a self-storage facility. The property consists of four (4) separate parcels. Since the Building Code does not allow buildings to be constructed over property lines, the proposed Tentative Parcel Map will consolidate all of the existing parcels into one (1) single lot to accommodate the construction of the self-storage facility. After the consolidation, the subject property will have a total lot size of 1.84 acres that will exceed the minimum lot size requirement of one (1) acre for a self-storage facility. In addition, the proposed development is designed to meet all other zoning code requirements for self-storage facility including parking, landscaping, setbacks and manager's residence. Thus, the proposed development is in compliance with the C-3 zoning regulations.

10. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision (Gov. Code Sec. 66473.1).

To the extent feasible, the project has been designed in accordance with Government Code Section 66473.1, such as to allow for passive or natural heating opportunities in the subdivision design, to encourage the orientation of structures to take advantage of shade and prevailing breezes, to allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

11. The design, density and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs of City residents and available fiscal and environmental resources.

The proposal is to develop a self-storage facility on property that has historically been commercially used, and that has both Heavy Commercial, General Plan Land

Use Designation and zoning designation. Thus, approval of the proposed Tentative Parcel Map will to facilitate the project will not affect the housing needs of the region, public service needs, or available fiscal and environmental resources.

12. That the character of the subdivision is compatible with the design of existing structures and that the lot sizes of the subdivision are substantially the same as the lot sizes within the general area.

The proposed Tentative Parcel Map is to consolidate the existing four (4) parcels into one (1) single lot to accommodate the construction of the proposed self-storage facility because the Building Code prohibits structures to be built over property lines. The lot size after the consolidation will be 1.84 acres. All of the existing structures will be demolished to facilitate the development of the self-storage facility. The new building, along with all of the associated site improvements, are designed to comply with the zoning code requirements, and will be architecturally compatible with the surrounding area.

13. The subject property is not located within a state responsibility area or a very high fire hazard severity zone, the proposed is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.

The proposal has been reviewed by the Orange County Fire Authority and meets all applicable design, location, and ingress-egress requirements. The subject property is not located within a state responsibility area or a very high fire hazard severity zone.

14. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on- and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

The proposal has been reviewed by the City's Public Works, Water Services Division, to ensure compliance with applicable requirements by the California Regional Water Quality Control Board. Conditions of Approval have been included to ensure that the sewer system meets all requirements and that all on- and off-site improvements ensure the permitted capacity of the public sewer system is not exceeded.

#### 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 Section 9.32.030.
2. The Tentative Parcel Map possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.40.060.
3. 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-087-2020 and Tentative Parcel Map No. PM-2023-2020.

Adopted this 20<sup>th</sup> of August, 2020

CASHIER'S CHECK

SERIAL #: 0174904901  
ACCOUNT#: 4861-512952  
May 18, 2021

0001749 11-24  
Office AU # 1210(8)  
Remitter: DONALD JENSEN  
Purchaser: DONALD JENSEN  
Purchaser Account: \*\*\*\*\*9721  
Operator I.D.: u389293  
Funding Source: Electronic Item(s)  
PAY TO THE ORDER OF \*\*\*CITY OF GARDEN GROVE\*\*\*

Payee Address:  
Memo:

WELLS FARGO BANK, N.A.  
101 E YAKIMA AVE  
YAKIMA, WA 98901  
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,  
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION  
AND REISSUANCE. AS A CONDITION TO CANCELLATION AND  
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE  
AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 4,000.00

NON-NEGOTIABLE

Purchaser Copy

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CASHIER'S CHECK

0174904901  
May 18, 2021

0001749 11-24  
Office AU # 1210(8)  
Remitter: DONALD JENSEN  
Operator I.D.: u389293  
PAY TO THE ORDER OF \*\*\*CITY OF GARDEN GROVE\*\*\*

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Memo:

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YAKIMA, WA 98901  
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 4,000.00

Signature  
CONTROLLER

000174904901 11-24 00024861 512952

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Adoption of a Resolution approving the Garden Grove Tourism Improvement District Advisory Board's 2021-22 Annual Report, Declaration of Intention to levy assessments for Fiscal Year 2021-22, and setting the time and date to conduct a public hearing on the proposed assessment. ( <i>Action Item</i> )		
		Date:	6/8/2021

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**OBJECTIVE**

For the City Council to adopt a Resolution approving the Annual Report of the Garden Grove Tourism Improvement District Advisory Board ("Advisory Board"), declaring intention to levy assessments for Fiscal Year 2021-22 for the Garden Grove Tourism Improvement District (GGTID) based on the Advisory Board Report and setting a public hearing thereon.

**BACKGROUND**

The GGTID was established by the City Council in accordance with the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Section 36500 et seq., (the "Law") through the adoption of Resolution No. 9009-10 on August 24, 2010, and Ordinance No. 2782 on October 26, 2010.

The purpose of the GGTID is to provide revenue to defray the costs of advertising and marketing efforts designed to increase overnight stays in the GGTID, construction and maintenance of improvements in the GGTID, and other services, activities, and programs that promote and encourage tourism within the GGTID, which benefit the operators of hotels paying assessments through the promotion of scenic, recreational, cultural, and other attractions.

The GGTID includes the hotels along Harbor Boulevard from the northern boundary within the city to Garden Grove Boulevard. It is divided into two (2) separate benefit zones:

- Tier I includes the hotels north of Lampson Avenue, which are subject to an assessment of up to 2.5% of gross rent charged per room occupancy per night. There are currently nine (9) hotels in Tier I.
- Tier II encompasses those hotels south of Lampson Avenue, which are subject to an assessment of up to 0.5% of gross rent charged per room occupancy per night.

There is currently one hotel in Tier II, The Great Wolf Lodge Southern California. Pursuant to the Law and the Ordinance, the City Council is required to levy the assessment annually, based

on the recommendations set forth in the annual report of the Advisory Board.

## DISCUSSION

### **Annual Advisory Board Report**

In accordance with Ordinance No. 2782, the Board of Directors of the Garden Grove Tourism Promotion Corporation (GGTPC) serves as the Advisory Board. Pursuant to the Ordinance and the Law, the Advisory Board is required to submit an annual report to the City. The annual report is required to include the following:

- Any proposed changes in the boundaries of the GGTID or in any of the benefit zones;
- A description of the improvements and activities to be provided for the upcoming fiscal year;
- An estimate of the cost of providing the improvements and the activities for that fiscal year;
- The recommended method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year;
- The amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
- The amount of any contributions to be made from sources other than the assessments levied.

The Advisory Board's annual report serves as the basis for the levying of assessments each year.

The Advisory Board has prepared the annual report, which contains a proposed budget for use of the anticipated assessment revenues for the year. No changes are proposed (i) to the boundaries of the GGTID, (ii) in the GGTID improvements and activities authorized by Resolution No. 9009-10 and Ordinance No. 2782, or (iii) in the amount of the annual assessment or the method and basis for the levying the assessment.

The Advisory Board is recommending that the annual assessments for Fiscal Year 2021-22 continue to be two and one-half percent (2.5%) of the gross rent charged by the Operator per room occupancy per night for all transient occupancies for each visitor accommodation facility in Tier I and (ii) one-half percent (0.5%) of the gross rent charged by the operator per room occupancy per night for all transient occupancies for each visitor accommodation facility in Tier II.

On February 22, 2011, the City Council approved an agreement with the Anaheim/Orange County Visitor & Convention Bureau ("VCB"), pursuant to which, approximately 80% of the GGTID assessment revenue collected is allocated to the VCB to fund collective tourism marketing efforts or retained by the City for future Harbor Boulevard median improvements and a future transit system.

The remaining (approximately 20%) of the GGTID assessment would be allocated to fund specific improvements along Harbor Boulevard and other tourism promotion activities in Garden Grove in accordance with the budget included in the annual report. These funds are administered by the GGTPC pursuant to an agreement with the GGTPC approved by the City Council on September 27, 2011.

### **Levying of Assessment for Fiscal Year 2021-22**

State Law requires that each year the City Council adopt a Resolution declaring its intention to levy an annual assessment for the upcoming fiscal year based on the Advisory Board's Annual Report and scheduling a public hearing on the proposed assessment. The attached proposed Resolution contains the items required by State Law and sets a public hearing on the matter for June 22, 2021. After City Council adoption, the Resolution will be published in a local paper of general circulation at least ten (10) days before the public hearing pursuant to the Law.

At the Public Hearing scheduled for June 22, 2021, the City Council may order changes in any of the matters provided in the Advisory Board's Annual Report, including changes in the proposed assessments, the proposed improvements and activities to be funded, and the proposed

boundaries of the area. At the conclusion of the Public Hearing, the City Council may adopt a Resolution confirming the annual report as originally filed or as changed by it. The adoption of that Resolution shall constitute the levy of an assessment for the Fiscal Year 2021-22.

A similar Resolution must be adopted annually by the City Council in order to continue to levy the assessment in the succeeding fiscal years.

#### FINANCIAL IMPACT

It is not anticipated that the City will incur significant direct costs as a result of this action. It is estimated that the GGTID will produce approximately \$1.4 MM in new annual revenues and \$25,000 in carryover for fiscal year 2021-22 for local tourism promotion efforts, and most of these funds will be administered by the VCB and the GGTPC. Any actual administrative costs incurred by the City in relation to the GGTID will be reimbursed through assessment revenues, up to a percentage cap of assessments collected.

#### RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution approving the Garden Grove Tourism Improvement District Advisory Board Annual Report; declaring its intention to levy assessments for Fiscal Year 2021-22 for the Garden Grove Tourism Improvement District; and setting June 22, 2021, as the time and place of the Public Hearing thereon and giving notice thereof.

By: Greg Blodgett, Office of Economic Development Manager

#### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Attachment 1 - Initiating public hearing for GGTID levy of assessment	5/28/2021	Resolution	6-8-21_GGTID.pdf
Attachment 2 - GGTPC Budget for FY2021-22	5/27/2021	Backup Material	Attachment_2_-_GGTPC_Budget_FY2021-22.pdf
Attachment 3 - VCB Budget for FY2021-22	5/27/2021	Backup Material	Attachment_3_-_VCB_Budget.pdf
Attachment 4 - FY2021-22 GGTID Advisory Board Annual Report	5/27/2021	Backup Material	Attachment_4_-_FY2021-2022_GARDEN_GROVE_TOURISM_IMPROVEMENT_DISTRICT_ADVISORY_BOARD_REPORT.pdf

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
APPROVING THE ANNUAL REPORT OF THE GARDEN GROVE TOURISM  
IMPROVEMENT DISTRICT ADVISORY BOARD, DECLARING ITS INTENTION TO LEVY  
ASSESSMENTS FOR FISCAL YEAR 2021-22 FOR THE GARDEN GROVE TOURISM  
IMPROVEMENT DISTRICT, FIXING THE TIME AND PLACE OF PUBLIC HEARING  
THEREON AND GIVING NOTICE THEREOF

WHEREAS, the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Section 36500 et seq., (the "Law") authorizes cities to establish parking and business improvement areas for the purpose of funding certain improvements and activities, including the promotion of tourism, through assessments upon the businesses that benefit from those improvements and activities and to levy an assessment upon businesses within a parking and business improvement area, which is in addition to any assessments, fees, charges, or taxes imposed in the City;

WHEREAS, the Garden Grove Tourism Improvement District (GGTID) was established October 26, 2010, by City Council adoption of Ordinance No. 2782; and

WHEREAS, in accordance with Section 36533 of the Law, the GGTID Advisory Board has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, a report in connection with the proposed levy of an assessment against visitor accommodation facilities within the GGTID (the "Annual Report").

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The recitals set forth herein are true and correct.

SECTION 2. The City Council has examined and reviewed the Annual Report, and such Annual Report is hereby approved and filed.

SECTION 3. The City Council hereby declares its intention to levy and collect assessments from those visitor accommodation facilities within the boundaries of the Garden Grove Tourism Improvement District ("GGTID") for the 2021-22 fiscal year, commencing July 1, 2021 and continuing through June 30, 2022.

SECTION 4. The Annual Report is on file with the Garden Grove City Clerk and contains a full and detailed description of the activities to be provided, the boundaries of the area, and proposed assessments to be levied upon the visitor accommodation facilities in the area.

SECTION 5. The boundaries of the GGTID generally include certain real property within that area of Garden Grove fronting, bordering, or near Harbor

Boulevard from the City of Anaheim to Garden Grove Boulevard. The GGTID is divided into two (2) separate zones: (i) Tier I, which includes that real property within the GGTID north of Lampson Avenue, and (ii) Tier II, which includes that real property within the GGTID south of Lampson Avenue. A map showing the precise area and boundaries of the GGTID and the two benefit zones is on file with the Garden Grove City Clerk.

SECTION 6. The types of improvements and activities to be funded by the levy of assessments on visitor accommodation facilities within the GGTID are GGTID and Anaheim/Orange County Visitor and Convention Bureau ("VCB") tourism and marketing programs to promote the area and benefitted visitor accommodation facilities as a tourism destination; GGTID and VCB administrative oversight; physical improvements and maintenance along the right-of-way, median, and sidewalks adjacent to the benefitted visitor accommodation facilities; and other projects, programs, and activities that benefit the visitor accommodation facilities located and operating within the GGTID.

SECTION 7. The time and place for a Public Hearing on the levy of assessments for the GGTID is hereby set for June 22, 2021 at 6:30 p.m., or as soon thereafter as practicable, at the Garden Grove Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

SECTION 8. The City Clerk is hereby directed to give proper notice of the above-described public meeting and Public Hearing in accordance with law.

SECTION 9. At the Public Hearing, the testimony of all interested persons for or against the levying of assessments on the visitor accommodation facilities in the GGTID for fiscal year 2021-22, the extent of the GGTID, or the furnishing of specified types of improvements or activities will be heard. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. To count in the majority protest against the GGTID, a protest must be written. A written protest may be withdrawn in writing at any time before the conclusion of the Public Hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Garden Grove as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. If the owner of the business is a corporation, LLC, partnership or other legal entity, the authorized representative for the entity shall be authorized to sign the protest. Written protests must be received by the City Clerk of the City of Garden Grove before the close of the Public Hearing scheduled herein and may be mailed to the

City Clerk, City of Garden Grove, P.O. Box 3070, Garden Grove, California 92842, or delivered in person to the City Clerk at 11222 Acacia Parkway, Garden Grove, California 92840.

SECTION 10. Pursuant to California Streets and Highways Code Section 36525, if at the conclusion of the Public Hearing, there are of record, valid written protests by the owners of the businesses within the GGTID that will pay fifty percent (50%) or more of the total assessments of the entire GGTID, no assessment will be levied for fiscal year 2021-22. In order to determine the projected assessments for purposes of establishing voting percentages, the City shall make projections based on the prior three-year average of gross rental revenues for the applicable visitor accommodation facilities. Since such information is proprietary, the City, alone, will determine the total percentage protest and provide such percentage at the Public Hearing.

SECTION 11. This Resolution is effective upon its adoption.





**G.G.T.P.C**

**GGTPC Budget  
Garden Grove TID Budget  
2021-22**

Garden Grove Tourism Promotion Corporation

<b>Items:</b>	<b>Percentage</b>	<b>Amount</b>
2021-22 Estimated Revenue		\$ 340,001.72
Budget Carry Over from 2020-21		\$ 25,000.00
Total Revenue 2021 - 22		\$ 365,001.72
<b>Expenses:</b>	<b>Percentage</b>	<b>Amount</b>
Advertising & Marketing	9.0%	\$ 32,850.15
Parking Upgrades, Improvements, etc.	3.0%	\$ 10,950.05
Economic Development	2.0%	\$ 7,300.03
Sponsorships	2.0%	\$ 7,300.03
Private Security	37.0%	\$ 135,050.64
Harbor Boulevard Maintenance, Utilities, Repairs, etc.	40.0%	\$ 146,000.69
Related Studies/Consultants	2.0%	\$ 7,300.03
City Administration Fees (per Agreement)	3.0%	\$ 10,950.05
Administrative/Accounting/Auditing (per Agreement)	2.0%	\$ 7,300.03
Total	100%	\$ 365,001.72



**G.G.T.P.C**

**GGTPC Budget  
Garden Grove TID Budget  
2021-22**

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Garden Grove Tourism Promotion Corporation

**Anaheim VCB  
Garden Grove TID Budget  
2021-2022**



Statement of Expense Summary - Marketing		Statement of Expense Summary - Convention Sales	
Budget Highlights - Marketing		Budget Highlights - Convention Sales	
Brand Advertising	\$ 15,000	Solicitation, Travel, Promotions	\$ 65,000
Industry Partnerships	\$ 30,000	Client Events	\$ 75,000
Research	\$ 7,500	Sports Anaheim Development	\$ 30,000
Collateral (Sales Tools)	\$ 10,000	Exhibits Attend	\$ 20,000
Exhibiting	\$ 12,000	Restricted Reserves to Host Industry Events	\$ 125,000
Promotion & Travel	\$ 22,500	Subsidy to offset costs for groups	\$ 150,000
Web Development - Technology	\$ 15,000	* Destination Services Specialist	
Co-Op Promotions	\$ 10,000	* Meeting Sales Manager, Northern California	
		* Sports Sales Manager	
		* Sales/Service/Partnership Coordinator	
Salaries & Related Costs	\$ 75,000	Salaries & Related Costs	\$ 285,000
Total Marketing Expense	\$ 197,000	Total Convention Sales Expense	\$ 750,000
		*NEW HIRES PLANNED FOR 2021	
Total GGTID	\$ 947,000	Total Expense	\$ 947,000

## **GARDEN GROVE TOURISM IMPROVEMENT DISTRICT ADVISORY BOARD REPORT FOR FY 2021-22**

The Garden Grove Tourism Improvement District (GGTID) was established by the Garden Grove City Council in accordance with the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code section 36500 et seq., (the “Law”) through the adoption of Resolution No. 9009-10 on August 24, 2010, and Ordinance No. 2782 on October 26, 2010.

The purpose of the GGTID is to provide revenue to defray the costs of advertising and marketing efforts designed to increase overnight stays in the GGTID, for construction and maintenance of improvements in the GGTID, and to provide other services, activities, and programs that promote and encourage tourism within the GGTID, which will benefit the Operators of Visitor Accommodation Facilities paying assessments through the promotion of scenic, recreational, cultural, and other attractions.

Pursuant to Ordinance No. 2782, the Board of Directors of the Garden Grove Tourism Promotion Corporation (GGTPC), a California non-profit mutual benefit corporation, serves as the GGTID Advisory Board. In accordance with Ordinance No. 2782 and California Streets and Highways Code Section 36533, the Advisory Board is required to annually prepare and submit to the City, a report for the upcoming fiscal year, which is required to contain the following:

1. Any proposed changes in the boundaries of the GGTID or the benefit zones within the GGTID.
2. The GGTID improvements and activities to be provided in the upcoming fiscal year from GGTID assessment revenues and/or any other contributions from sources other than GGTID assessment revenues.
3. An estimate of the cost of providing the GGTID improvements and the activities for the upcoming fiscal year.
4. The method and basis of levying the assessment in sufficient detail to allow each Visitor Accommodation Facility to estimate the amount of the assessment to be levied against the Visitor Accommodation Facility for the fiscal year, and any proposed changes to the method and basis of levying the assessment.
5. The amount of any surplus or deficit revenues to be carried over from the previous fiscal year.
6. The amount of any contributions to the GGTID to be made from sources other than assessments levied against the Visitor Accommodation Facilities.

### **1. CHANGES TO BOUNDARIES**

- The boundaries of the GGTID generally include certain real property within that area of Garden Grove fronting, bordering, or near Harbor Boulevard from the northern boundary of the city to Garden Grove Boulevard. The GGTID is divided into two (2) separate zones: (i) Tier I, which includes that real property within the GGTID north of Lampson Avenue, and (ii) Tier II, which includes that real property within the GGTID south of Lampson

Avenue. A map showing the precise area and boundaries of the GGTID and the two benefit zones is on file with the Garden Grove City Clerk.

- No changes to boundaries of the GGTID are proposed.

## **2. IMPROVEMENTS & ACTIVITIES**

- Marketing through our partnership with Visit Anaheim, we developed targeted initiatives to promote and market Garden Grove as the premier Southern California leisure destination and strengthen its competitive positioning within the consumer and travel trade sectors. These programs are designed to be an extension of our partners' sales efforts. The programs offer a unique platform to promote the new hotel inventory, current and remodeled hotels and additions in dining, entertainment, and transportation infrastructure.
- Sidewalks, landscaping, bus shelters and palm tree lighting maintenance along Harbor Boulevard from Harbor Boulevard and Chapman Avenue to Garden Grove Boulevard.
- Providing private security to enhance safety within the Grove District.

## **3. ESTIMATED COST OF IMPROVEMENTS & ACTIVITIES**

- The attached Budgets show the estimated assessment revenues and costs for the GGTID for FY 2021-22.
- Pursuant to an agreement between the City of Garden Grove and the VCB entered into on or about February 22, 2011, approximately eighty percent (80%) of the net GGTID assessment revenues (i.e., 2.0% of the total 2.5% assessment in Tier I and 0.4% of the total 0.5% assessment in Tier II), will be allocated to Visit Anaheim to administer and use for marketing and promotion of tourism and conventions benefitting the Visitor Accommodation Facilities as part of the "Anaheim Resort District." However, the City of Garden Grove will retain \$7,500 per month from this allocation (for a total of \$90,000 in FY 2021-22) for the purpose of funding future median improvements along Harbor Boulevard within the GGTID. For FY 2021-22, the City is retaining one half of one percent (0.5%) of gross rent charged for per room night occupied for transit or transportation system benefitting the GGTID. The first Budget shows the estimated GGTID assessment revenues to be allocated to FY 2021-22 and the estimated costs of those categories of improvements and activities to be funded by this portion of the GGTID assessment revenues.
- The remaining approximately twenty percent (20%) of the net GGTID assessment revenues will be allocated to improvements and activities within and to benefit, the GGTID other than those provided by Visit Anaheim. These funds are administered by the Garden Grove Tourism Promotion Corporation pursuant to an agreement with the City.
- The second Budget shows this portion of the estimated GGTID assessment revenues for FY 2021-22 and the estimated costs of those categories of improvements and activities to be funded by this portion of the GGTID assessment revenues and any surplus assessment revenues carried over from FY 2020-21.

#### **4. METHOD AND BASIS FOR LEVYING THE ASSESSMENT**

- No change in the amount of the annual assessment for FY 2021-22 or the method and basis for the levying the assessment is proposed.
- It is recommended that the annual assessments for FY 2021-22 continue to be two and one-half percent (2.5%) of the gross rent charged by the Operator per room Occupancy per night for all Transient Occupancies for each Visitor Accommodation Facility in Tier I and (ii) one-half percent (0.5%) of the gross rent charged by the Operator per room Occupancy per night for all Transient Occupancies for each Visitor Accommodation Facility in Tier II.
- In accordance with Ordinance No. 2782, the assessments shall be collected monthly, based on the applicable percentage of the amount of gross rent charged by the Operator per room Occupancy per night for all Transient Occupancies in the prior calendar month, in the same manner, and at the same frequency, as the City's Hotel Visitors Tax imposed pursuant to Chapter 12 of Title 3 of the Garden Grove Municipal Code.

#### **5. PRIOR YEAR SURPLUS OR DEFICIT TO BE CARRIED OVER**

- It is estimated that there will be approximately \$25,000 in surplus assessment revenues from FY 2020-21. It is recommended that these surplus assessment revenues be carried over to FY 2021-22 to fund the costs of the anticipated GGTID improvements and activities to be provided in FY 2021-22, as more specifically delineated in the attached Budgets.

#### **6. OTHER CONTRIBUTIONS**

- No contributions to the GGTID from sources other than the assessments levies are anticipated in FY 2021-22.

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Patricia Song
Dept.:	City Manager	Dept.:	Finance
Subject:	Approval of the adjustment to the calendar year 2021 Water Commodity Delivery Charges. ( <i>Action Item</i> )		
		Date:	6/8/2021

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**OBJECTIVE**

To request that the City Council amend the current water commodity delivery charge that went into effect on January 1, 2021.

**BACKGROUND**

The current water rate was adjusted on January 1, 2021 to reflect a pass-through commodity delivery charge caused by wholesale water charge increase imposed by the Metropolitan Water District of Southern California (MET), the Municipal Water District of Orange County (MWDOC), and Orange County Water District (OCWD). The City purchases water from MET and MWDOC, and pays a replenishment assessment to the OCWD for its groundwater supply. Ordinance No. 2890 adopted by the City Council on March 27, 2018 provides for automatic pass-through adjustment for purchased water cost.

**DISCUSSION**

On November 10, 2020, staff took the water commodity adjustment calculation to the City Council for review and approval according to Ordinance No. 2890. The pass-through adjustment was correctly calculated, yet the base rate used in establishing the new water rate for calendar year 2021 was incorrect. Instead of using the Fiscal Year 2020-21 Commodity Delivery Charge listed in Section 14.12.010 B. of the Municipal Code, staff erroneously applied the rate increase to Fiscal Year 2019-20 rate, causing a difference of \$0.03 per HCF for Tier 1 usage and \$(0.13) per HCF for Tier 2 usage.

Below is a comparison between the current rate and the correct rate of the 2021 Commodity Delivery Charge for both Tier 1 and Tier 2.

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	Correct 2021 Rate (per HCF)	Current 2021 Rate (per HCF)	Difference (per HCF)
Tier 1	\$ 3.11	\$ 3.14	\$ (0.03)
Tier 2	\$ 4.50	\$ 4.37	\$ 0.13

Once approved by the City Council, Notice of Changes to Water Commodity Delivery Charges will be mailed to all City water customers on June 9, 2021. The revised rates will be become effective on July 8, 2021.

### FINANCIAL IMPACT

The proposed water commodity rate increase has no impact to the General Fund. The rate change is a correction to the previously established water Commodity Delivery Charge for calendar year 2021. It is estimated that this correction will help the Water Enterprise to recoup approximately \$307,478 in water purchase cost, using the 2019 consumption level.

### RECOMMENDATION

It is recommended that the City Council:

- Approve the adjustment to the calendar year 2021 water Commodity Delivery Charges that will become effective on July 8, 2021.

### **ATTACHMENTS:**

Description	Upload Date	Type	File Name
Notice of Corrections to Water Commodity Delivery Charges	5/26/2021	Notice	Notice_of_Corrections_to_Water_Commodity_Delivery_Charges.pdf



June 9, 2021

**Subject: Notice of Corrections to Water Commodity Delivery Charges**

Dear Water Customer:

The City of Garden Grove values customer service first and foremost by keeping our customers well-informed. The City is committed to providing sufficient and safe water at the lowest possible cost to the City's residents.

The current water rate was adjusted on January 1, 2021 to reflect a pass-through commodity delivery charge. The pass-through adjustment was correctly calculated, yet the base rate used in establishing the new water rate for calendar year 2021 was incorrect. Instead of using the Fiscal Year 2020-21 Commodity Delivery Charge listed in Section 14.12.010 B. of the Municipal Code, Fiscal Year 2019-20 rate was applied, causing a difference of \$0.03 per HCF for Tier 1 usage and \$(0.13) per HCF for Tier 2 usage.

The revised water rates for calendar year 2021 will become effective on July 8, 2021. Tier 1 users will see a decrease in their water bill for \$0.03 per HCF, and Tier 2 users will see an increase of \$0.13 per HCF.

The City sincerely apologizes for the oversight and deeply appreciates your understanding and support. If you have any questions regarding this notice, please call the Water Billing Division at (714) 741-5078.

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	John Montanez
Dept.:	City Manager	Dept.:	Community Services
Subject:	Approval of an agreement with the Orange County Transportation Authority for grant funding for the Senior Mobility Program. ( <i>Action Item</i> )		
		Date:	6/8/2021

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**OBJECTIVE**

To obtain City Council approval for an agreement with the Orange County Transportation Authority (OCTA) for grant funding for the City's Senior Mobility Program (SMP) at the H. Louis Lake Senior Center.

**BACKGROUND**

In June 2016, City Council approved an Amendment to the Agreement with OCTA for the SMP for the H. Louis Lake Senior Center (Center) for five twelve-month periods beginning July 2016, and ending June 2021. Under the SMP, OCTA provides funding for transportation services offered to senior citizens at the Center. These services are currently offered as part of the Agreement with Cabco Yellow Inc.

**DISCUSSION**

The current Agreement with OCTA for the SMP at the Center will expire on June 30, 2021. The attached Agreement provides the City with additional grant funding for the SMP for five twelve-month periods beginning July 1, 2021 through June 30, 2026.

**FINANCIAL IMPACT**

Funding for transportation services is split between the City and OCTA. The OCTA will provide the City with an estimated total amount of \$170,000 in Measure M2 funds for the first twelve-month period beginning July 1, 2021 through June 30, 2022. The City is required to provide a twenty (20) percent match for Measure M2 funds, an estimated amount of \$34,000, which can be in-kind or financial. The City's match will be an in-kind match of \$34,000 in staff salaries that are budgeted in the General Fund.

## RECOMMENDATION

It is recommended that the City Council:

- Approve the agreement with the Orange County Transportation Authority for funding of the City's Senior Mobility Program at the H. Louis Lake Senior Center for five years; and
- Authorize the City Manager to execute the Agreement on behalf of the City.

By: Janet Pelayo  
Community Services Manager

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Template Agreement with OCTA	5/26/2021	Agreement	AGXXXXX_-_City_Template_-_Final_(Protected)-1.docx
Exhibit A - Attachment 1	5/26/2021	Backup Material	Exhibit_A_-_Attachment_1_-_SMP_Guidelines.pdf
Exhibit A - Attachment 2	5/26/2021	Backup Material	Exhibit_A_-_Attachment_2_-_Pre-Trip_Inspection_Checklist.pdf
Exhibit A - Attachment 3	5/26/2021	Backup Material	Exhibit_A_-_Attachment_3_-_Reporting_Form.pdf
Exhibit B	5/26/2021	Backup Material	Exhibit_B_-_Drug_Free_Workplace_Act_of_1988.pdf
SMP Service Plan	5/26/2021	Backup Material	SMP_Service_Plan_2021.docx

1 **COOPERATIVE AGREEMENT NO. C-X-XXXX**

2 **BETWEEN**

3 **ORANGE COUNTY TRANSPORTATION AUTHORITY**

4 **AND**

5 **THE CITY OF** Click or tap here to enter text.

6 **FOR**

7 **SENIOR MOBILITY PROGRAM**

8  
9 **THIS COOPERATIVE AGREEMENT** ("Agreement"), is effective this \_\_\_\_\_ day of  
10 \_\_\_\_\_, 20\_\_\_\_ ("Effective Date"), by and between the Orange County Transportation  
11 Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation  
12 of the State of California (herein referred to as "AUTHORITY") and the City of Click or tap here to enter  
13 text., Click or tap here to enter text. (hereinafter referred to as "CITY") each individually known as "PARTY"  
14 and collectively known as "PARTIES".

15 **RECITALS:**

16 **WHEREAS**, CITY is desirous of obtaining transportation services for seniors of CITY; and

17 **WHEREAS**, AUTHORITY and CITY agree to enter into the Senior Mobility Program (SMP)  
18 concerning senior transportation services; and

19 **WHEREAS**, this Agreement defines the roles and responsibilities of AUTHORITY and CITY in  
20 executing an SMP for senior transportation; and

21 **WHEREAS**, AUTHORITY and CITY agree to comply with all relevant elements of Orange County  
22 Local Transportation Authority Ordinance No. 3; and

23 **WHEREAS**, AUTHORITY and CITY agree to comply with all elements of the SMP Project U  
24 Funding and Policy Guidelines (SMP Guidelines); and

25 **WHEREAS**, AUTHORITY's Board of Directors approved this Agreement on  
26 \_\_\_\_\_, 2021;

1           **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY as follows:

2           **ARTICLE 1.   COMPLETE AGREEMENT**

3           A. This Agreement, including any attachments incorporated herein and made applicable by  
4 reference, constitutes the complete and exclusive statement of the term(s) and condition(s) of this  
5 Agreement between AUTHORITY and CITY and it supersedes all prior representations, understandings,  
6 and communications. The invalidity in whole or in part of any term or condition of this Agreement shall  
7 not affect the validity of other term(s) or condition(s) of this Agreement. The above referenced Recitals  
8 are true and correct and are incorporated by reference herein.

9           B. AUTHORITY's failure to insist on any instance(s) upon CITY's performance of any term(s) or  
10 condition(s) of this Agreement shall not be construed as a waiver or relinquishment of AUTHORITY's  
11 right to such performance or to future performance of such term(s) or condition(s), and CITY's obligation  
12 in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall  
13 not be binding upon AUTHORITY except when specifically confirmed in writing by an authorized  
14 representative of AUTHORITY by way of a written amendment to this Agreement and issued in  
15 accordance with the provisions of this Agreement.

16           C. CITY's failure to insist on any instance(s) of AUTHORITY's performance of any term(s) or  
17 condition(s) of this Agreement shall not be construed as a waiver or relinquishment of CITY's right to such  
18 performance or to future performance of such term(s) or condition(s), and AUTHORITY's obligation in  
19 respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not  
20 be binding upon CITY except when specifically confirmed in writing by an authorized representative of  
21 CITY by way of a written amendment to this Agreement and issued in accordance with the provisions of  
22 this Agreement.

23           **ARTICLE 2.   RESPONSIBILITIES OF AUTHORITY**

24           A.     AUTHORITY agrees to provide funds per the SMP Guidelines:

25                   1.     Services provided under the SMP are available to individuals sixty (60) years of  
26 age and older.

2. Funds for the program are identified as one percent (1%) of Renewed Measure M (M2), also called OC GO, net sales tax revenue (Net Revenue) and will be allocated to all local jurisdictions based upon the participating entity's respective percentage of the senior population of the entire County.

3. Senior population will be determined by using the most current official decennial Census information provided by the U.S. Census Bureau.

4. All active participants will receive their portion of funding on a bi-monthly basis.

B. AUTHORITY agrees that Net Revenues allocated shall be expended within three (3) years of receipt. AUTHORITY may grant an extension to the three (3)-year limit, but extensions shall not be granted beyond a total of five (5) years from the date of the initial funding allocation.

C. In the event the time limits for use of Net Revenues are not satisfied, then any retained Net Revenues that were allocated to an Eligible Jurisdiction and interest earned thereon shall be returned to AUTHORITY and these Net Revenues and interest earned thereon shall be available for allocation to any project within the same source program at the discretion of AUTHORITY.

D. AUTHORITY may provide, at AUTHORITY's sole discretion, a refurbished surplus paratransit vehicle, at no cost to CITY and no further responsibility to AUTHORITY after vehicle donation. CITY may purchase additional vehicle(s) in excess of their vehicle allocation at a cost of Five Thousand Dollars (\$5,000) per vehicle, subject to vehicle availability.

**ARTICLE 3. RESPONSIBILITIES OF CITY**

A. CITY must satisfy all M2 eligibility criteria, as specified in the Orange County Local Transportation Authority Ordinance No. 3, Attachment B, Section III, in order to receive their formula allocation for the SMP.

B. CITY agrees that all funds received from AUTHORITY as specified in Article 2A above will be used exclusively for providing accessible senior transportation services as specified in Exhibit A, entitled "Senior Mobility Program Agency Service Plan."

/

1 C. CITY agrees to comply with all elements of the SMP Guidelines as specified in  
2 Exhibit A, Attachment 1.

3 D. CITY agrees that Net Revenues allocated shall be expended within three (3) years of  
4 receipt. AUTHORITY may grant an extension to the three (3)-year limit, but extensions shall not be  
5 granted beyond a total of five (5) years from the date of the initial funding allocation.

6 E. In the event the time limits for use of Net Revenues are not satisfied, any retained Net  
7 Revenues that were allocated to CITY and interest earned thereon shall be returned to AUTHORITY and  
8 these Net Revenues and interest earned thereon shall be available for allocation to any project within the  
9 same source program at the discretion of AUTHORITY.

10 F. CITY agrees to match twenty percent (20%) of the total annual program expenditures.  
11 Local match may be made up of cash-subsidies, fare revenues, or in-kind contributions.

12 G. CITY may contract with a third-party service provider to provide senior transportation  
13 services provided that:

- 14 1. Contractor is selected using a competitive procurement process; and
- 15 2. Wheelchair accessible vehicles are available and used when requested.

16 H. CITY shall procure and maintain insurance coverage during the entire term of this  
17 Agreement. Proof of coverage may include commercial insurance, permissible self-insurance or  
18 coverage as provided through a joint powers pool, subject to AUTHORITY review and acceptance.  
19 CITY shall provide the following insurance coverage:

20 1. Commercial General Liability, to include Products/Completed Operations, Independent  
21 Contractors', Contractual Liability, and Personal Injury Liability with a minimum limit of \$1,000,000 per  
22 occurrence and \$2,000,000 general aggregate;

23 2. Automobile Liability Insurance to include owned, hired and non-owned autos with a  
24 combined single limit of \$1,000,000 each accident;

25 3. Workers' Compensation with limits as required by the State of California including a  
26 waiver of subrogation in favor of AUTHORITY, its officers, directors, employees or agents; and

1                   4. Employers' Liability with minimum limits of \$1,000,000 per accident, \$1,000,000 policy  
2 limit-disease, and \$1,000,000 policy limit employee-disease.

3                   I. Proof of such coverage, in the form of an insurance company issued policy endorsement  
4 and a broker-issued insurance certificate, must be received by AUTHORITY prior to commencement of  
5 any work. Proof of insurance coverage must be received by AUTHORITY within ten (10) calendar days  
6 from the effective date of this Agreement with AUTHORITY, its officers, directors, employees and agents  
7 designated as additional insured on the general and automobile liability. Such insurance shall be primary  
8 and non-contributive to any insurance or self-insurance maintained by AUTHORITY. CITY shall also  
9 include in each subcontract the stipulation that subcontractor shall maintain coverage in the amounts  
10 required as provided in this Agreement. Subcontractors will be required to include AUTHORITY and other  
11 project stakeholders as (an) additional insured(s) on the commercial general liability, auto, and excess  
12 liability policies.

13                  J. CITY shall include on the face of the Certificate of Insurance the Cooperative Agreement  
14 Number C-X-XXXX; and, the Associate Contract Administrator's Name, Luis Martinez.

15                  M. In the event CITY obtains a retired AUTHORITY vehicle for SMP services, CITY agrees  
16 to transfer vehicle title and registration within fourteen (14) calendar days from taking possession of the  
17 vehicle. CITY also agrees to provide documentation to AUTHORITY confirming transfer of vehicle title  
18 and registration from AUTHORITY to CITY within thirty (30) calendar days from  
19 taking possession of the vehicle.

20                   **ARTICLE 4. TERM OF AGREEMENT**

21                  A. This Agreement shall commence July 1, 2021 and shall continue in full force and effect  
22 through June 30, 2026 (Initial Term), unless earlier terminated or extended as provided in this Agreement.

23                  B. AUTHORITY, at its sole discretion, may elect to extend the term of this Agreement up to an  
24 additional five (5) years, commencing July 1, 2026, and continuing through June 30, 2031 (Option Term),  
25 and thereupon require CITY to continue to provide services, and otherwise perform, in accordance with  
26 Exhibit A.



C. AUTHORITY's election to extend the Agreement beyond the Initial Term shall not diminish its right to terminate the Agreement for AUTHORITY's convenience or CITY's default as provided elsewhere in this Agreement. The "maximum term" of this Agreement shall be the period extending from commencement through June 30, 2031, which period encompasses the Initial Term and Option Term.

#### **ARTICLE 5. NOTICES**

All notices pertaining to this Agreement and any communications from the PARTIES may be made by delivery of said notices in person or by depositing said notices in the U.S. Mail, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:

<b>To CITY:</b>	<b>To AUTHORITY:</b>
City of Click or tap here to enter text.	Orange County Transportation Authority
Click or tap here to enter text.	550 South Main Street
Click or tap here to enter text.	P. O. Box 14184
Click or tap here to enter text.	Orange, CA 92863-1584
Attention: Name: Click or tap here to enter text. Title: Click or tap here to enter text. Tel: Click or tap here to enter text.  <i>Email: Click or tap here to enter text.</i>	Attention: Luis Martinez Associate Contract Administrator Tel: (714) 560-5767  <i>E-mail: <a href="mailto:lmartinez1@octa.net">lmartinez1@octa.net</a></i>

#### **ARTICLE 6. FEDERAL, STATE AND LOCAL LAWS**

AUTHORITY and CITY agree that in performance of their obligations under this Agreement, they shall comply with all applicable federal, California state and local laws, statutes and ordinances and all lawful orders, rules and regulations promulgated thereunder.

#### **ARTICLE 7. ORDER OF PRECEDENCE**

Conflicting provisions hereof, if any, shall prevail in the following descending order of precedence:  
 (1) the provisions of this Agreement, including all exhibits; (2) all other documents, if any, cited herein or incorporated by reference.

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**ARTICLE 8. AUDIT AND INSPECTION OF RECORDS**

CITY shall provide AUTHORITY, or other agents of AUTHORITY, such access to CITY's accounting books, program records, payroll documents and facilities as AUTHORITY deems necessary. CITY shall maintain such books, records, data and documents in accordance with generally accepted accounting principles and shall clearly identify and make such items readily accessible to such parties during CITY's performance hereunder and for a period of five (5) years from the date of final payment by CITY. AUTHORITY's right to audit books and records directly related to this Agreement shall also extend to all first-tier subcontractors. CITY shall permit any of the foregoing parties to reproduce documents by any means whatsoever or to copy excerpts and transcriptions as reasonably necessary.

**ARTICLE 9. TERMINATION**

AUTHORITY or CITY may, for its own convenience, terminate this Agreement at any time in whole or in part by giving the other PARTY written notice thereof of not less than thirty (30) days in advance of the specified date of termination.

**ARTICLE 10. INDEMNIFICATION**

A. CITY shall indemnify, defend and hold harmless AUTHORITY, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage to or loss of use of property caused by the negligent acts, omissions, or willful misconduct by CITY, its officers, directors, employees, agents, subcontractors or suppliers in connection with or arising out of the performance of this Agreement .

B. CITY shall maintain adequate levels of Insurance, or self-insurance to assure full indemnification of AUTHORITY.

C. As a funding source, AUTHORITY shall not be liable for any claims or losses arising from CITY as a result of using the fund.

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**ARTICLE 11. ALCOHOL AND DRUG POLICY**

A. CITY agrees to establish and implement an alcohol and drug program that complies with 41 U.S.C. sections 701-707, (the Drug Free Workplace Act of 1988), which is attached to this Agreement as Exhibit B. CITY agrees to produce any documentation necessary to establish its compliance with sections 701-707.

B. Failure to comply with this Article may result in nonpayment or termination of this Agreement.

**ARTICLE 12. FORCE MAJEURE**

Either PARTY shall be excused from performing its obligations under this Agreement during the time and extent that it is prevented from performing by a cause beyond its control, including, but not limited to: any incidence of fire, flood; acts of God; commandeering of material products, plants or facilities by the federal state or local government; national fuel shortage; or a material act of omission by the other PARTY; when satisfactory evidence of such cause is presented to the other PARTY, and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the PARTY not performing.

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**IN WITNESS WHEREOF**, the PARTIES hereto have caused this Agreement No. C-X-XXXX to be executed as of the date of the last signature below.

**CITY OF** Click or tap here to enter text.

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_

Click or tap here to enter text.

Click or tap here to enter text.

By: \_\_\_\_\_

Darrell E. Johnson

Chief Executive Officer

**ATTEST:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Click or tap here to enter text.

Click or tap here to enter text.

By: \_\_\_\_\_

James M. Donich

General Counsel

**APPROVED AS TO FORM**

**APPROVAL RECOMMENDED:**

By: \_\_\_\_\_

Click or tap here to enter text.

Click or tap here to enter text.

By: \_\_\_\_\_

Beth McCormick

Executive Director, Operations

**APPROVAL RECOMMENDED:**

By: \_\_\_\_\_

Jennifer L. Bergener

Chief Operating Officer, Operations/

Deputy Chief Executive Officer

## **Senior Mobility Program Project U Funding and Policy Guidelines**

November 2018

### **1.0 Overview**

The Measure M2 (M2) Project U – Senior Mobility Program (SMP) provides funding to support local, community-based transportation service for seniors. Originally established in 2001 using limited state funding for bus operations, M2 Project U SMP funding was established to continue and expand the existing program. A formula funding allocation was established for all Orange County participating cities and eligible agencies based upon their senior population. One percent (1%) of M2 net revenue is used to fund the program and participating cities and eligible agencies must provide a minimum 20 percent (20%) local match of the total annual program expenditures.

Included in the SMP are eligible non-profits. These agencies are funded locally and must also comply with the Guidelines.

### **2.0 Objectives**

- To provide for local, community-based senior transportation services.
- To allow participating cities and eligible agencies to develop and implement senior transportation services to serve their community.
- To provide transit options for seniors which complement rather than duplicate the Orange County Transportation Authority's (OCTA) fixed route and ACCESS paratransit service.

### **3.0 Eligibility Requirements**

Participation in the SMP is contingent upon maintaining M2 eligibility. Participating cities and eligible agencies must be eligible to receive M2 funding, established on an annual basis as specified in the M2 Ordinance Requirements for Eligible Jurisdictions, to receive the formula allocation for this program.<sup>1</sup> Adherence to strict funding guidelines is required.

Participating cities and eligible agencies are required to submit a Service Plan as described in Section 7.0 and must enter into a cooperative funding agreement with OCTA that defines the conditions of use of SMP funds prior to receiving their SMP funding allocation.

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<sup>1</sup> Orange County Transportation Authority Ordinance No. 3, Attachment B, Section III

#### 4.0 Funding Allocation Method & Distribution

Funding for the program is identified as one percent of M2 net sales tax revenue and will be allocated to eligible participating cities and eligible agencies based upon the participating cities and eligible agencies' percentage of the senior population of the county. Senior population is determined by using the most current official decennial Census information provided by the U.S. Census Bureau.

Funding allocations are based on actual sales tax receipts. Funding will be distributed on a bi-monthly basis. SMP funds must be expended within three (3) years of receipt.

OCTA may grant a two (2)-year extension beyond the three (3)-year expenditure limitation; however, an extension may not exceed five (5) years from the date of the initial funding allocation. Participating cities and eligible agencies requesting an extension beyond the three (3)-year limitation must submit a justification letter for review and approval by OCTA at least ninety (90) days prior to the end of the third fiscal year.

In the event the time limits for use of SMP funds are not satisfied, any retained SMP funds that were allocated to an eligible participating city and eligible agency, including interest, shall be returned to OCTA.

#### 5.0 Match Requirements

Participating cities and eligible agencies must provide a minimum 20 percent (20%) local match of the total annual program expenditures. Match funding may be made up of cash subsidies, fare revenues, donations, or in-kind contributions such as salaries and benefits for the participating cities and eligible agencies' employees who perform work on the program. Participating cities and eligible agencies may also be required to submit supporting documentation to substantiate local match expenditures. Participating cities and eligible agencies are not required to contribute the minimum match requirement on a monthly basis; however, the minimum 20 percent (20%) match requirement must be met by the end of each fiscal year, defined as June 30.

Participating cities and eligible agencies not satisfying the annual 20 percent (20%) match shall be subject to withholding of funds from future bi-monthly allocations equal to the difference between the amount of Measure M funds actually spent and the amount of Measure M funds actually matched.

##### ***Example:***

Total Program Expenditures	\$100,000
Total M2 Funding Allocation	\$ 80,000
20% Required Match	\$ 20,000
Actual Reported Match	\$ 15,000

#### Withholding Calculation:

Total M2 Funds Spent	\$ 80,000
M2 Funding Eligibility Based on Actual Reported Match	- <u>\$ 60,000</u>
Withholding from Future Allocation(s)	\$ 20,000

### 6.0 Service Guidelines

Services provided under the SMP are available to individuals sixty (60) years of age and older. Participating cities and eligible agencies have discretion in the types of trips provided within Orange County, such as trips to/from senior centers, medical appointments, shopping, personal care, and social/recreational activities. Participating cities and eligible agencies should use discretion when providing trips for social/recreational activities when developing their Service Plan to ensure prudent and appropriate use of taxpayer funds. SMP trips outside Orange County are restricted to medical trips only within approximately ten (10) miles of the Orange County border.

Participating cities and eligible agencies also have discretion in how the service is operated. Senior transportation services may be operated using employees, volunteers, or the jurisdiction may contract with a third-party service contractor. Contractors must be selected using a competitive procurement process and the participating city and eligible agency must ensure the contractor is in compliance with program guidelines and provisions included in the cooperative funding agreement.

Participating cities and eligible agencies whose program offers subsidized taxi service for seniors must ensure trips provided with SMP funding are consistent with the trip types as specified in these guidelines.

Wheelchair accessible vehicles must be available for SMP service.

Participating cities and eligible agencies will perform, or ensure that a contractor performs, maintenance of all vehicles used in the Senior Mobility Program. Participating cities and eligible agencies will ensure that its operators, or its contracted operators, are properly licensed and trained to proficiency to perform duties safely, and in a manner which treats its riders with respect and dignity.

Participating cities and eligible agencies may receive one retired OCTA ACCESS paratransit vehicle per year, free of charge, to support their senior transportation programs subject to availability. Any retired ACCESS vehicles in excess of one (1) per year may be purchased for a cost equivalent to the refurbishment cost incurred by OCTA.

## **7.0 Service Plan Adoption**

Participating cities and eligible agencies shall submit to OCTA a SMP Service Plan which defines program services (Exhibit A). The Service Plan must be submitted using a template provided by OCTA and must be adopted by the participating cities and eligible agencies' governing body and approved by the OCTA Board of Directors. Any revision to the adopted SMP Service Plan must be submitted to OCTA in advance for review and approval. Revisions to the trips listed on the Service Plan will require an amendment to the cooperative funding agreement prior to implementing a change in program services.

## **8.0 Insurance**

Participating cities and eligible agencies shall procure and maintain insurance coverage as specified in their SMP cooperative agreements with OCTA.

## **9.0 Drug and Alcohol Testing**

Participating cities and eligible agencies shall establish and implement an alcohol and drug testing program that complies with 41 U.S.C. sections 701-707, (the Drug Free Workplace Act of 1988), and will produce any documentation necessary to establish its compliance with sections 701-707.

## **10.0 Marketing and Outreach**

Participating cities and eligible agencies shall participate as appropriate in OCTA marketing and outreach efforts to encourage the use of fixed route transit service by older adults.

## **11.0 Recognition of OCTA Sponsorship**

Participating cities and eligible agencies shall note OCTA sponsorship in any promotional material for senior mobility services funded by OCTA and shall display an OCTA-provided OC Go Senior Mobility Program decal on vehicles used in this Program, excluding taxis.

## **12.0 Vehicle Maintenance**

Participating cities and eligible agencies shall perform or ensure that a contracted vendor performs maintenance of all vehicles used in the Program, including:

Daily pre-trip inspections and completion of checklists identifying each vehicle component and system inspected.

Scheduled preventive maintenance that meets or exceeds the vehicle manufacturer's standards.

Maintaining maintenance records for each vehicle for five (5) years.



If required, cooperation in annual motor coach carrier terminal inspections conducted by the California Highway Patrol.

### **13.0 Eligible Expenses**

Participating cities and eligible agencies shall ensure M2 funds are used for eligible direct program-related expenses which may include contract service providers, staff time, vehicle maintenance, fuel, insurance, vehicle acquisition, program supplies and materials, marketing materials, and community outreach. Participating cities and eligible agencies shall ensure all costs are program-related and are fair and reasonable. Administrative costs up to 10 percent (10%) are allowed and considered eligible program expenses. All program expenses are subject to audit.

No M2 funding shall be used by a participating city and eligible agency for other than transportation purposes authorized in the M2 Ordinance.

### **14.0 Program Revenue**

Participating cities and eligible agencies must maintain adequate controls for collecting and reporting program revenue, including donations, fees, and cash fares. Program revenue must be used to support the transportation service and may be used as part of the participating cities and eligible agencies' 20 percent (20%) local match requirement.

### **15.0 Reporting**

Participating cities and eligible agencies are required to submit reports using templates provided by OCTA. Required reporting data will include, but not be limited to, the following:

#### **A. Operational Reports**

- Number of Trips by Category
- Vehicle Service Hours
- Vehicle Service Miles

Operational reports are due thirty (30) days after the end of the service month.

#### **B. Financial Reports**

- Program Cost Detail by Expense Category and % of Total Operating Cost
- Fares, Fees and Other Operating Revenue
- Participating City and Eligible Agency Total Contribution & Source
- Participating City and Eligible Agency Share as % of Total Operating Cost
- Cumulative Participating City and Eligible Agency Share to Date
- OCTA Contribution
- OCTA Contribution as % of Total Operating Cost

- Cumulative Contribution Received from OCTA
- Total Monthly Program Operating Cost
- Cumulative Total Program Operating Cost

Financial reports are due sixty (60) days after the end of the quarter. Reports must be certified by the participating city and eligible agency's Finance Director or Finance Director's financial designee.

Participating cities and eligible agencies shall be required to maintain supporting documentation to substantiate reporting data. Supporting documentation may include, but is not limited to, actual receipts, contractor invoices, trip sheets, payroll, timesheets, fuel logs, and maintenance records/receipts.

**C. Annual Questionnaire and Document Request (AQDR)**

Participating cities and eligible agencies shall certify their compliance with these Guidelines annually by having their City Manager or City Manager's department director designee sign a completed version of a questionnaire sent out by OCTA. Jurisdictions shall also submit all compliance-related documents requested by OCTA. Completed AQDRs must be submitted to OCTA within ninety (90) days of the end of the fiscal year reported upon.

Failure to meet the established reporting deadlines for any of these reports may result in future withholding of funding and/or other sanctions to be determined.

**16.0 Audits & Inspection of Records**

M2 funding is subject to audit. Participating cities and eligible agencies shall maintain program documentation and records for a period of no less than five years. Program documents and records, including but not limited to payroll, trip sheets, invoices, vehicle maintenance, fuel, and other program-related expenses, shall be available for review by OCTA SMP administrators, auditors, and authorized agents upon request. Participating cities and eligible agencies must follow established accounting requirements and applicable laws regarding the use of public funds. Failure to submit to an audit in a timely manner may result in withholding or loss of future funding. Failure to comply with the approved Service Plan will require remediation which may include repayment, reduction in overall allocation, and/or other sanctions to be determined by the OCTA Board of Directors.

Audits shall be conducted by the OCTA Internal Audit Department, or other authorized agent, as determined by OCTA.

OCTA's failure to insist in any one or more instances of a participating city and eligible agency's performance of the provisions set forth in these guidelines shall not be construed as a waiver or relinquishment of the participating city and eligible agency's obligation to comply with these guidelines.

Moreover, only the OCTA Board of Directors shall have the authority to alter and/or waive any requirements/obligations set forth in these guidelines.



Orange County Transportation Authority  
**ACCESS PREOPERATION INSPECTION  
DEFECT REPORT**

Bus/Van No. \_\_\_\_\_ Date: \_\_\_\_\_

*Federal Regulations state that no motor vehicle carrying passengers for hire shall be driven unless the driver has determined that the following parts and accessories are in good working order. Each driver is required to submit a signed written report daily for each coach driven.*

**1st Driver:** \_\_\_\_\_

Miles Finish: \_\_\_\_\_ Miles Start: \_\_\_\_\_ Miles Elapsed: \_\_\_\_\_

No Defects: ☐ Defects: ☐ Signature: \_\_\_\_\_

**2nd Driver:** \_\_\_\_\_

Miles Finish: \_\_\_\_\_ Miles Start: \_\_\_\_\_ Miles Elapsed: \_\_\_\_\_

No Defects: ☐ Defects: ☐ Signature: \_\_\_\_\_

**3rd Driver:** \_\_\_\_\_

Miles Finish: \_\_\_\_\_ Miles Start: \_\_\_\_\_ Miles Elapsed: \_\_\_\_\_

No Defects: ☐ Defects: ☐ Signature: \_\_\_\_\_

**PREOPERATIONS INSPECTIONS**

Indicate with an (x) that each item has been checked:

AM/PM		AM/PM	
<input type="checkbox"/>	Tires/Lug Nuts (wheels & rims)	<input type="checkbox"/>	Emergency Reflectors
<input type="checkbox"/>	Motor-Guard	<input type="checkbox"/>	Turn Signal Switch/Horn
<input type="checkbox"/>	Air System	<input type="checkbox"/>	First Aid Kit
<input type="checkbox"/>	Lights/Reflectors	<input type="checkbox"/>	Radio
<input type="checkbox"/>	Wheelchair Lifts	<input type="checkbox"/>	Driver's Seat/Belt
<input type="checkbox"/>	Wheelchair Lift Cover	<input type="checkbox"/>	Door Interlock
<input type="checkbox"/>	Mirrors	<input type="checkbox"/>	W/C Tie Down Straps
<input type="checkbox"/>	Windshield Wipers/Washers	<input type="checkbox"/>	Manual Lift Bar
<input type="checkbox"/>	Fire Extinguisher	<input type="checkbox"/>	Conduct Walk Around
<input type="checkbox"/>	Steering Mechanism	<input type="checkbox"/>	Parking/Brakes/Service Brakes

**DEFECTS:** Indicate with an (x) defective items only: (Explain in Detail)

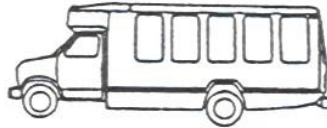
<b>BRAKES</b>	<b>RETARDER</b>	<b>ENGINE</b>
<input type="checkbox"/> Brake Fluid Leaks	<input type="checkbox"/> Light On:	<input type="checkbox"/> Hot Engine/Water Leaks
<input type="checkbox"/> Soft/Hard	<input type="checkbox"/> Brakes Not Applied	<input type="checkbox"/> Low Oil/Oil Leaks
<input type="checkbox"/> Pull to L/R	<input type="checkbox"/> Light On:	<input type="checkbox"/> Starts Hard
<input type="checkbox"/> Dragging	<input type="checkbox"/> Brakes Applied,	<input type="checkbox"/> No Power/Eng. Ck. Light
<input type="checkbox"/> Smoking	<input type="checkbox"/> Bus Stopped	<input type="checkbox"/> Smokes
<input type="checkbox"/> Emergency Brake	<input type="checkbox"/> Light Not On:	<input type="checkbox"/> Idles Rough/Vibration
<input type="checkbox"/> Other - explain	<input type="checkbox"/> Brakes Applied,	<input type="checkbox"/> Exhaust, Vacuum Leaks
	<input type="checkbox"/> Bus Moving	<input type="checkbox"/> Fuel Leaks/LPG/Gas
		<input type="checkbox"/> Other - explain
<b>TIRES/WHEELS</b>	<b>A/C &amp; HEATING</b>	<b>TRANSMISSION</b>
<input type="checkbox"/> Flat	<input type="checkbox"/> Off	<input type="checkbox"/> Won't Go Into Gear
<input type="checkbox"/> Embedded Object	<input type="checkbox"/> Too Cold/Hot	<input type="checkbox"/> Slips/Grinds/Lurches
<input type="checkbox"/> Cut	<input type="checkbox"/> Defroster Defect	<input type="checkbox"/> Excessive Noise
<input type="checkbox"/> Smooth/Cord	<input type="checkbox"/> Ventilation (Blowers)	<input type="checkbox"/> Leaks
<input type="checkbox"/> LF RF RRI RRO LRI LRO	<input type="checkbox"/> Fumes	<input type="checkbox"/> Drive Line Vibration
<input type="checkbox"/> Loose Missing Lugs	<input type="checkbox"/> Other - explain	<input type="checkbox"/> Rear End Noise
<input type="checkbox"/> Other - explain		
<b>LIGHTS</b>	<b>ENTRANCE/EXIT DOORS/</b>	<b>STEERING</b>
<input type="checkbox"/> Interior	<b>WINDOWS</b>	<input type="checkbox"/> Hard/Binds
<input type="checkbox"/> Exterior	<input type="checkbox"/> Slow	<input type="checkbox"/> Shimmy
<input type="checkbox"/> Location: _____	<input type="checkbox"/> Inoperative	<input type="checkbox"/> Excessive Play
	<input type="checkbox"/> Leaks Air	<input type="checkbox"/> Other - explain
	<input type="checkbox"/> Excessive Play	
	<input type="checkbox"/> Other - explain	
	<input type="checkbox"/> Emergency Releases	<b>ELECTRICAL EQUIPMENT</b>
<b>VEHICLE CLEANLINESS</b>	<b>WHEELCHAIR LIFT</b>	<input type="checkbox"/> Generator/Starter
<input type="checkbox"/> Interior	<input type="checkbox"/> Will Not Fold Out	<input type="checkbox"/> Turn Signals/Flashers
<input type="checkbox"/> Exterior	<input type="checkbox"/> Will Not Lower/Raise	<input type="checkbox"/> Horn
<input type="checkbox"/> Floor	<input type="checkbox"/> No Restraint Down/Up	<input type="checkbox"/> Fare Box
<input type="checkbox"/> Windows	<input type="checkbox"/> Lift Will Not Fold Into	<input type="checkbox"/> Instruments/Gauges
<input type="checkbox"/> Seat Condition	<input type="checkbox"/> Bus	<input type="checkbox"/> Fuel, Oil, Amp Meter
Explain: _____		
<b>RADIO</b>	<input type="checkbox"/> Seats	<input type="checkbox"/> Handrails
	<input type="checkbox"/> Modesty Panels	

**BODY DAMAGE:**

Circle and describe any damage to a bus on diagram of front/rear and two side views



Description: \_\_\_\_\_



Description: \_\_\_\_\_



Description: \_\_\_\_\_



Description: \_\_\_\_\_

**OPERATOR(S):**

**IMPORTANT!** Help expedite repairs by providing necessary information regarding defects! Please print.

**REPAIRS MADE:**

**ALL ITEMS COMPLETED - BUS SERVICED AND RELEASED:**

Supervisor's Signature \_\_\_\_\_

Date \_\_\_\_\_

# Senior Mobility Program

## Monthly Reporting Form



### Agency Information

Service for the - Month of: July Year of: 2021  
Participating Agency: \_\_\_\_\_  
Agency Contact Name: \_\_\_\_\_  
Contact Number / Email: \_\_\_\_\_

### Operational Data

Trip Category	One-Way Trips		Service Hours		Service Miles	
	Jul 2021	FYTD	Jul 2021	FYTD	Jul 2021	FYTD
Senior Center		-		-		-
Medical		-		-		-
Nutrition		-		-		-
Shopping		-		-		-
Personal Care		-		-		-
Social & Recreational	-	-	-	-	-	-
Amusement Park		-		-		-
Aquarium / Zoo		-		-		-
Beach / Park		-		-		-
Charity-Social Group Event		-		-		-
Community-Cultural Event		-		-		-
Education / Employment		-		-		-
Family-Friends		-		-		-
Funeral / Memorial Service		-		-		-
Government Office / Service		-		-		-
Library / Museum / Historical Site		-		-		-
Movies / Theater / Concert		-		-		-
Religious Institution		-		-		-
Restaurant		-		-		-
Sporting / Fitness		-		-		-
Transit Center / Hub		-		-		-
<b>Total</b>	-	-	-	-	-	-

### Declaration and Submission Confirmation

*Agency hereby certifies that this report is a complete and correct statement of the program's operating data.*

Submitted By: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**THIS REPORT IS DUE NO LATER THAN 30 DAYS AFTER THE END OF THE SERVICE MONTH**

Please send this report by email to [CTSPROGRAMS@OCTA.NET](mailto:CTSPROGRAMS@OCTA.NET).

# Senior Mobility Program

## Monthly Reporting Form



### Agency Information

Service for the - **Month of:** July **Year of:** 2021  
 Participating Agency: \_\_\_\_\_  
 Agency Contact Name: \_\_\_\_\_  
 Contact Number / Email: \_\_\_\_\_

### Financial Summaries

Cost Category	Jul 2021		FYTD	
	Cost	% of Total	Cost	% of Total
Direct Cost: Contracted Services		0.0%	\$ -	0.0%
Direct Cost: In-House Labor		0.0%	\$ -	0.0%
Direct Cost: Vehicle Expenses		0.0%	\$ -	0.0%
Direct Cost: Marketing / Outreach		0.0%	\$ -	0.0%
<b>Subtotal Direct Costs</b>	\$ -	-	\$ -	-
Indirect Costs? <input type="checkbox"/> Yes	\$ -	0.0%	\$ -	0.0%
<b>Total Expenses</b>	\$ -	<b>0.0%</b>	\$ -	<b>0.0%</b>

Above Total Expenses Paid By...	Jul 2021	% of Total	FYTD	% of Total
OCTA Contribution	\$ -	0.0%	\$ -	0.0%
Agency Contribution	\$ -	0.0%	\$ -	0.0%
<b>Total Contributions</b>	\$ -	<b>0.0%</b>	\$ -	<b>0.0%</b>

Above Agency Contribution Sources	Jul 2021	% of Total	FYTD	% of Total
General Fund / In-Kind		0.0%	\$ -	0.0%
General Donations		0.0%	\$ -	0.0%
Transportation Fees / Rider Fares		0.0%	\$ -	0.0%
Title IIIB Funds		0.0%	\$ -	0.0%
Other:		0.0%	\$ -	0.0%
Other:		0.0%	\$ -	0.0%
Other:		0.0%	\$ -	0.0%
<b>Total Agency Contributions</b>	\$ -	<b>0.0%</b>	\$ -	<b>0.0%</b>

### Declaration and Submission Confirmation

*Agency hereby certifies that this report is a complete and correct statement of the program's financial data.*

**Submitted By:** Must be by the Finance Director or Designee

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**THIS REPORT IS DUE NO LATER THAN 60 DAYS AFTER THE END OF THE SERVICE QUARTER**

Please send this report by email to [CTSPROGRAMS@OCTA.NET](mailto:CTSPROGRAMS@OCTA.NET).



## DRUG-FREE WORKPLACE ACT OF 1988

### THE FEDERAL LAW

This law, enacted November 1988, with subsequent modification in 1994 by the Federal Acquisition Streamlining Act, (*raising the contractor amount from \$25,000 to \$100,000*), requires compliance by all organizations contracting with any U. S. Federal agency in the amount of \$100,000 or more that does not involve the acquisition of commercial goods via a procurement contract or purchase order, and is performed in whole in the United States. It also requires that *all* organizations receiving federal grants, regardless of amount granted, maintain a drug-free workplace in compliance with the Drug-Free Workplace Act of 1988. The Law further requires that all *individual* contractors and grant recipients, regardless of dollar amount/value of the contract or grant, comply with the Law.

Certification that this requirement is being met must be done in the following manner:

By publishing a statement informing all covered employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the covered workplace, and what actions will be taken against employees in the event of violations of such statement.

By providing **ALL** covered employees with a copy of the above-described statement, including the information that as a condition of employment on the Federal contract or grant, the employee must abide by the terms and conditions of the policy statement.

*For Federal contractors this encompasses employees involved in the performance of the contract. For Federal grantees all employees must come under this requirement as the act includes all "direct charge" employees (those whose services are directly & explicitly paid for by grant funds), and "indirect charge" employees (members of grantee's organization who perform support or overhead functions related to the grant and for which the Federal Government pays its share of expenses under the grant program).*

*Among "indirect charge" employees, those whose impact or involvement is insignificant to the performance of the grant are exempted from coverage. Any other person, who is on the grantee's payroll and works in any activity under the grant, even if not paid from grant funds, is also considered to be an employee.*

*Temporary personnel and consultants who are on the grantee's payroll are covered. Similar workers, who are not on the grantee's payroll, but on the payroll of contractors working for the grantee, are not covered even if physical place of employment is in the grantee's workplace.*

By establishing a continuing, drug-free awareness program to inform employees of the dangers of drug abuse; the company's drug-free workplace policy; the penalties for drug abuse violations occurring in the workplace; the availability of any drug counseling, rehabilitation, and/or employee assistance plans offered through the employer.

By requiring each employee directly involved in the work of the contract or grant to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not less than five (5) calendar days after such conviction.

By notifying the Federal agency with which the employer has the contract or grant of any such conviction within ten (10) days after being notified by an employee or any other person with knowledge of a conviction.

By requiring the imposition of sanctions or remedial measures, including termination, for an employee convicted of a drug abuse violation in the workplace. These sanctions may be participation in a drug rehabilitation program if so stated in the company policy.

By continuing to make a "good-faith" effort to comply with all of the requirements as set forth in the Drug-Free Workplace Act.

All employers covered by the law are subject to suspension of payments, termination of the contract or grant, suspension or debarment if the head of the contracting or granting organization determines that the employer has made any type of false certification to the contracting or grant office, has not fulfilled the requirements of the law, or has excessive drug violation convictions in the workplace. Penalties may also be imposed upon those employing a number of individuals convicted of criminal drug offenses as this demonstrates a lack of good faith effort to provide a drug-free workplace. The contract or grant officer may determine the number on a case-by-case basis. Employers who are debarred are ineligible for other Federal contracts or grants for up to five (5) years. Compliance may be audited by the Federal agency administering the contract or grant.

***The Drug-free Workplace Act does not require employers to establish an employee assistance program (EAP) or to implement drug testing as a part of the program.***

*Source: Federal Registers April 11, 1988 & May 25, 1990 & the Federal Acquisition Streamlining Act of 1994 (FASA).*





# Senior Mobility Program

## Agency Service Plan

Jurisdictions and agencies participating in the Orange County Transportation Authority (OCTA) Senior Mobility Program (SMP) must complete the following Service Plan in order to receive SMP funding. The Service Plan must be developed in accordance with SMP Guidelines, included as Attachment 1, and submitted to OCTA for review. Upon review from OCTA, the Service Plan must be formally adopted by the agency's council or governing body and approved by the OCTA Board of Directors. Any modifications to SMP services will require submittal of a new Service Plan.

### Participant Information:

Agency	City of Garden Grove	Date	January 8, 2021
Program Contact	Janet Pelayo	Phone	714-741-5215
Email	janetp@ggcity.org		

### Service Description:

#### 1. Program goals and objectives:

The H. Louis Lake Senior Mobility Program will promote the continuation of an independent lifestyle for individuals age 60 and older through the provision of dependable door-to-door transportation services for residents of the City of Garden Grove.

The Senior Mobility Program (SMP) will operate weekdays from 7:30 a.m. to 6:00 p.m. Trips may also be provided on holidays and for special events on weekends when sponsored and coordinated by the H. Louis Lake Senior Center staff. Other trips will be provided as approved by the city's Transportation Coordinator, and as funding allows.

2. Indicate how SMP service will be operated: *(Please check all that apply)*

☐

Directly-Operated

☐

Subsidized Taxi Program

☒

Contract Service Provider

☐

Other (Please Describe)

☐

Volunteers

3. Eligible trips provided under the SMP are limited to the following categories. Please indicate the categories of service to be provided by your program: *(Please check all that apply)*

☒

Senior Center

☐

Personal Care

☒

Nutrition

☒

Shopping

☒

Medical

☒

Social / Recreation (Please Describe)

City events that are part of the H. Louis Lake Senior Center programming including whale watching, local fairs, local zoo, local museums, sporting events, convention center, local missions, local shopping mall centers, concert venues, movie theater, performing arts theaters, beach, and local farmers markets.

4. SMP Guidelines restricts trips outside of Orange County to medical trips within approximately 10 miles of the Orange County border. Do you intend to provide medical trips outside of Orange County?

No.

If yes, please list the trip purpose and destinations: *(e.g., medical trips to the VA Hospital in Long Beach)*

--

5. Fare structure:

--

6. Number of vehicles:

6
---

7. Projected annual ridership:

--

8. Source(s) of 20 percent match funding:

In-kind staff services.
-------------------------

**Program Requirements:**

1. Jurisdiction/Agency shall follow competitive procurement practices in selection of vendors for all services which it does not provide using its own work force. Any Request for Proposals (RFP) for services shall specify the use of vehicles meeting Americans with Disabilities Act (ADA) accessibility standards.
2. Jurisdiction/Agency will perform, or ensure that a contracted vendor performs, maintenance of all vehicles used in the Senior Mobility program, including, at a minimum:
  - a) Daily Pre-Trip Inspections that meet or exceed the guidelines provided in the attached Pre-Trip Inspection Checklist (Attachment 2)
  - b) Scheduled preventative maintenance that meets or exceeds the guidelines provided in the attached PM Checklist, including the maintenance of all accessibility features of the vehicles.
  - c) Maintain maintenance records for each vehicle for five (5) years and, if required, cooperate fully in annual motor coach carrier terminal inspections conducted by the California Highway Patrol.
3. Jurisdiction/Agency will ensure that its operators, or its contracted vendor's operators, are properly licensed and trained to proficiency to perform duties safely, and in a manner which treats its riders with respect and dignity. Disability awareness and passenger assistance will be included in this training.
4. Jurisdiction/Agency will establish and implement an alcohol and drug program that complies with 41 U.S.C. sections 701-707, (the Drug Free Workplace Act of 1988), and will produce any documentation necessary to establish its compliance with sections 701-707.
5. Jurisdiction/Agency will submit a monthly report to OCTA's Community Transportation Services Department as illustrated in Attachment 3.
6. Jurisdiction/Agency will participate in OCTA marketing and outreach efforts to encourage use of fixed route transit service by older adults.
7. Jurisdiction/Agency will note OCTA sponsorship in any promotional material for service funded under this agreement and will display an OCTA Senior Mobility Program logo on vehicles used in this program (excluding taxis).
8. Jurisdiction/Agency will ensure that it maintains adequate oversight and control over all aspects of services that are provided by a contracted vendor.

**IN WITNESS WHEREOF**, has formally adopted the Senior Mobility Program Scope of Work as written above.

AGENCY REPRESENTATIVE

Name: Scott C. Stiles

Title: City Manager

OCTA REPRESENTATIVE

Name: \_\_\_\_\_

Title: CTS Department Manager

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Award a contract to Infrastructure Management Services for a Pavement Management Program for Fiscal Years 2021/22 through 2025/26. (Cost: \$203,353 for five years) ( <i>Action Item</i> )		
		Date:	6/8/2021

---

**OBJECTIVE**

For City Council to award a contract to Infrastructure Management Services (IMS) to collect, update, and manage road condition data for the City-wide Pavement Management Program (PMP) for Fiscal Years 2021/22 to 2025/26.

**BACKGROUND**

The Engineering Division and Street Division of Public Works utilize a PMP to determine maintenance needs for the City's network of roads, streets and alleys. A major requirement of the PMP is to generate condition assessment of the City's street network. Arterial, collector, and residential streets are surveyed for quantity and severity of different types of pavement distresses. These measurements help determine the condition of the streets and prioritize the road rehabilitation and maintenance required.

**DISCUSSION**

The City of Garden Grove's entire street network consists of about 360 centerline miles of road totaling nearly 67 million square feet of flexible pavements. The Master Plan of Arterial Highways/arterial streets comprise approximately 16 million square feet. Local streets, which include collector and residential, comprise approximately 51 million square feet.

The Measure M2 program allocates tax revenues to specific OCTA improvement projects including freeways, local streets and roads, and transit areas. In order to continue receiving Measure M2 funding, a pavement inventory, assessment and projected rehabilitation or replacement data must be collected and submitted to OCTA every two (2) years. Collection of our street condition data is a critical step in qualifying for grant funds from OCTA and is necessary in the setting of projected

maintenance priorities and strategies.

The proposed contract provides for the preparation of a pavement evaluation and provide a PMP report to OCTA every two (2) years. The report will be in conformance with the OCTA Countywide Pavement Management Plan Guidelines dated April 2020 (or latest edition during the terms of agreement).

Public Works invited qualified firms to submit written proposals to provide PMP services. The following firms responded to the City's request for proposals:

	IMS	Bucknam	GMU
Rater A	178	170	153
Rater B	173.5	163	158.5
Rater C	183.25	181.25	178
<b>TOTALS</b>	<b>534.75</b>	<b>514.25</b>	<b>489.5</b>

The proposals were evaluated by Public Works Engineering staff. The selection process is based on experience of the firm on similar projects, qualifications of the team, firm's knowledge and understanding of the project, availability, and customer service experience provided by their respective references. Based on the tallied scores from the three (3) evaluators, IMS obtained the highest score garnering a total of 534.75 points out of a possible 600 points.

The term of this service agreement will be for a period of two (2) years from full execution of agreement, with option to extend said agreement in FY 23/24 and 25/26, for a total performance period of five (5) years. No work will be performed in FY 22/23 and 24/25. IMS submitted the fee proposal that was reviewed and evaluated by Public Works with a price breakdown of \$89,890 for FY 21/22, \$53,268 for FY 23/24, and \$60,195 for FY 25/26.

The anticipated contract schedule is as follows:

Award Signed Contract -	June 8, 2021
Notice to Proceed -	July 1, 2021
End of the 5-Year Contract -	July 1, 2026

#### FINANCIAL IMPACT

The Professional Services Agreement cost for a term of five (5) years in the amount of \$203,353, and is available in the Public Works Department budget.

#### RECOMMENDATION

It is recommended that the City Council:

- Award a Contract to Infrastructure Management Services, in the amount of \$89,890 for FY 21/22, \$53,268 for FY 23/24, and \$60,195 for FY 25/26, for City-wide Pavement Management Program; and

- Authorize the City Manager to execute the agreement, execute optional years as recommended by staff, and make minor modifications as appropriate thereto, on behalf of the City.

By: Nick Hsieh, Associate Civil Engineer

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Consultant Agreement	5/24/2021	Agreement	Attachment_#2_- _Consultant_Agreement.docx
Evaluation Scores	5/24/2021	Backup Material	Evaluation_Scores_(1).pdf

## CONSULTANT AGREEMENT

### Infrastructure Management Services

THIS AGREEMENT is made this **8th** day of **June** 2021, by the CITY OF GARDEN GROVE, a municipal corporation, ("CITY"), and **Infrastructure Management Services**, a California Corporation ("CONSULTANT").

### RECITALS

The following recitals are a substantive part of this Agreement:

1. This Agreement is entered into pursuant to Garden Grove Council authorization dated June 8, 2021.
2. CITY desires to utilize the services of CONSULTANT to provide professional engineering services for the 2021-2026 Pavement Management Program (PMP) including labor, materials, and equipment necessary to survey, assess, and evaluate the pavement condition in accordance with the CONSULTANT'S proposal and fee schedule attached hereto as Exhibit "A" and incorporated herein by reference.
3. CONSULTANT is qualified by virtue of experience, training, education and expertise to accomplish services.

### AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Term of Agreement:** This Agreement shall cover services rendered from date of this agreement until (2) two years thereafter, with option to extend agreement in FY 23/24 and 25/26, for a total performance period of five (5) years unless otherwise terminated. No work will be performed in FY 22/23 and 24/25.
2. **Services to be Provided:** The services to be performed by CONSULTANT shall consist of the services as further specified in CONSULTANT'S proposal attached hereto and incorporated herein by reference. CONSULTANT agrees that its provision of Services under this agreement shall be within accepted accordance with customary and usual practices in CONSULTANT'S profession. By executing this Agreement, CONSULTANT warrants that it has carefully considered how the work should be performed and fully understands the facilities, difficulties, and restrictions attending performance of the work under this agreement.
3. **Compensation.** CONSULTANT shall be compensated as follows:
  - 3.1 **Amount.** CONSULTANT shall be compensated in accordance with the rate schedule set forth in Exhibit "A".
  - 3.2 **Not to Exceed.** The Parties agree that CONSULTANT shall bill for the Services provided by CONSULTANT to City on an hourly basis, except where otherwise set forth herein, provided compensation under this Proposal shall not exceed **\$89,890.00 for FY 21/22, \$53,268.00 for**



**FY 23/24, and \$60,195.00 for FY 25/26, totaling \$203,353.00 for all five years.** CONSULTANT warrants that all services will be performed in a competent, professional and satisfactory manner in accordance with the standards prevalent in the industry for such services. CONSULTANT shall not be compensated for any services rendered in connection with its performance of this Agreement, which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. The Proposal and this Agreement do not guarantee any specific amount of work.

- 3.3 Payment. For work under this Agreement, payment shall be made per monthly invoice. For extra work not a part of this Agreement, a written authorization by CITY will be required and payment shall be based on hourly rates as provided in Exhibit "A".
- 3.4 Records of Expenses. CONSULTANT shall keep complete and accurate records of payroll costs, travel and incidental expenses. These records will be made available at reasonable times to CITY.
- 3.5 Termination. CITY and CONSULTANT shall have the right to terminate this Agreement, without cause, by giving thirty (30) days written notice of termination. If the project is terminated by CITY, then the provisions of paragraph 3 would apply to that portion of the work completed.

#### 4. **Insurance Requirements**

- 4.1 Commencement of Work CONSULTANT shall not commence work under this Agreement until all certificates and endorsements have been received and approved by the CITY. The carrier, agent, or CONSULTANT shall notify the CITY of any material change, cancellation, or termination at least thirty (30) days in advance. All contractors and subcontractors shall be responsible to provide the same insurance as required of CONSULTANT. CONSULTANT shall be responsible to collect and maintain all insurance from all contractors and subcontractors and shall provide insurance CITY upon request.
- 4.2 Workers Compensation Insurance For the duration of this Agreement, CONSULTANT and all subcontractors shall maintain Workers Compensation Insurance in the amount and type required by California law, if applicable. The insurer shall waive its rights of subrogation against the CITY, its officers, officials, agents, employees, and volunteers.
- 4.3 Insurance Amounts CONSULTANT shall maintain the following insurance for the duration of this Agreement:
  - (a) Commercial general liability in an amount not less than \$1,000,000 per occurrence; (claims made and modified occurrence policies are not acceptable); Insurance companies

must be admitted and licensed in California and have a Best's Guide Rating of A-Class VII or better, as approved by the CITY;

- (b) Automobile liability in an amount not less than \$1,000,000 per occurrence; (claims made and modified occurrence policies are not acceptable) Insurance companies must be admitted and licensed in California and have a Best's Guide Rating of A-Class VII or better, as approved by the CITY.
- (c) Professional liability in an amount not less than \$1,000,000 per occurrence; Insurance companies must be acceptable to CITY and have an AM Best's Guide Rating of A-, Class VII or better, as approved by the CITY. If the policy is written on a "claims made" basis, the policy shall be continued in full force and effect at all times during the term of the agreement, and for a period of three (3) years from the date of the completion of services provided. In the event of termination, cancellation, or material change in the policy, professional/consultant shall obtain continuing insurance coverage for the prior acts or omissions of professional/consultant during the course of performing services under the term of the agreement. The coverage shall be evidenced by either a new policy evidencing no gap in coverage, or by obtaining separate extended "tail" coverage with the present or new carrier.

An Additional Insured Endorsement, **ongoing and completed operations**, for the policy under section 4.3 (a) shall designate CITY, its officers, officials, employees, agents, and volunteers as additional insureds for liability arising out of work or operations performed by or on behalf of the CONSULTANT. CONSULTANT shall provide to CITY proof of insurance and endorsement forms that conform to city's requirements, as approved by the CITY.

An Additional Insured Endorsement for the policy under section 4.3 (b) shall designate CITY, its officers, officials, employees, agents, and volunteers as additional insureds for automobiles owned, lease, hired, or borrowed by CONSULTANT. CONSULTANT shall provide to CITY proof of insurance and endorsement forms that conform to CITY's requirements, as approved by the CITY.

For any claims related to this Agreement, CONSULTANT's insurance coverage shall be primary insurance as respects to CITY, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, agents, or volunteers shall be excess of the CONSULTANT's insurance and shall not contribute with it.

If CONSULTANT maintains higher insurance limits than the minimums shown above, CONSULTANT shall provide coverage for

the higher insurance limits otherwise maintained by the CONSULTANT.

5. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable to CONSULTANT in the event of any default or breach by CITY, or for any amount, which may become due to CONSULTANT.
6. **Non-Discrimination.** CONSULTANT covenants there shall be no discrimination against any person or group due to race, color, creed, religion, sex, marital status, age, handicap, national origin or ancestry, in any activity pursuant to this Agreement.
7. **Independent Contractor.** It is agreed to that CONSULTANT shall act and be an independent contractor and not an agent or employee of CITY, and shall obtain no rights to any benefits which accrue to CITY'S employees.
8. **Compliance With Law.** CONSULTANT shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government.
9. **Disclosure of Documents.** All documents or other information developed or received by CONSULTANT are confidential and shall not be disclosed without authorization by CITY, unless disclosure is required by law.
10. **Ownership of Work Product.** All documents or other information developed or received by CONSULTANT shall be the property of CITY. CONSULTANT shall provide CITY with copies of these items upon demand or upon termination of this Agreement.
11. **Conflict of Interest and Reporting.** CONSULTANT shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this Agreement.
12. **Notices.** All notices shall be personally delivered or mailed to the below listed addresses, or to such other addresses as may be designated by written notice. These addresses shall be used for delivery of service of process.

(a) Address of CONSULTANT is as follows:

Infrastructure Management Services  
8380 S. Kyrene #101  
Tempe, AZ 85284

(b) Address of CITY is as follows (with a copy to):

Engineering:  
Mark Uphus, P.E.  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840

City Attorney  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840

13. **CONSULTANT'S Proposal.** This Agreement shall include CONSULTANT'S proposal or bid which shall be incorporated herein. In the event of any inconsistency between the terms of the proposal and this Agreement, this Agreement shall govern.
14. **Licenses, Permits and Fees.** At its sole expense, CONSULTANT shall obtain a **Garden Grove Business License**, all permits and licenses as may be required by this Agreement.
15. **Familiarity With Work.** By executing this Agreement, CONSULTANT warrants that: (1) it has investigated the work to be performed; (2) it has investigated the site of the work and is aware of all conditions there; and (3) it understands the facilities, difficulties and restrictions of the work under this Agreement. Should CONSULTANT discover any latent or unknown conditions materially differing from those inherent in the work or as represented by CITY, it shall immediately inform CITY of this and shall not proceed, except at CONSULTANT'S risk, until written instructions are received from CITY.
16. **Time of Essence.** Time is of the essence in the performance of this Agreement.
17. **Limitations Upon Subcontracting and Assignment.** The experience, knowledge, capability and reputation of CONSULTANT, its principals and employees were a substantial inducement for CITY to enter into this Agreement. CONSULTANT shall not contract with any other entity to perform the services required without written approval of the CITY. This Agreement may not be assigned voluntarily or by operation of law, without the prior written approval of CITY. If CONSULTANT is permitted to subcontract any part of this Agreement, CONSULTANT shall be responsible to CITY for the acts and omissions of its subcontractor as it is for persons directly employed. Nothing contained in this Agreement shall create any contractual relationship between any subcontractor and CITY. All persons engaged in the work will be considered employees of CONSULTANT. CITY will deal directly with and will make all payments to CONSULTANT.
18. **Authority to Execute.** The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
19. **Indemnification.** To the fullest extent permitted by law, CONSULTANT agrees to protect, defend, and hold harmless CITY and its elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury or death of any person, or damages of any nature, including interference with use of property, arising out of, or in any way connected with the negligence, recklessness and/or intentional wrongful conduct of CONSULTANT, CONSULTANT'S agents, officers, employees, subcontractors, or independent contractors hired by CONSULTANT in the performance of the Agreement. The

only exception to CONSULTANT'S responsibility to protect, defend, and hold harmless CITY, is due to the negligence, recklessness and/or wrongful conduct of CITY, or any of its elective or appointive boards, officers, agents, or employees.

This hold harmless agreement shall apply to all liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by CONSULTANT.

20. **Modification.** This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and CONSULTANT.
21. **Waiver.** All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of the CITY and CONSULTANT.
22. **California Law.** This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the central branch of the Orange County Superior Court.
23. **Interpretation.** This Agreement shall be interpreted as though prepared by both parties
24. **Preservation of Agreement.** Should any provision of this Agreement be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

*[SIGNATURES ON FOLLOWING PAGE]*

**IN WITNESS THEREOF**, these parties hereto have caused this Agreement to be executed as of the date set forth opposite the respective signatures.

**"CITY"**  
**CITY OF GARDEN GROVE**

Dated: \_\_\_\_\_, 2021

By: \_\_\_\_\_  
City Manager

**ATTEST**

**"CONSULTANT"**  
Infrastructure Management Services

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2021

Dated: \_\_\_\_\_, 2021

**APPROVED AS TO FORM:**

If CONSULTANT/CONTRACTOR is a corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY

\_\_\_\_\_  
Garden Grove City Attorney

Dated: \_\_\_\_\_, 2021

# ATTACHMENT #1

## PROPOSAL EVALUATION FORM

Consultant: GMU Date: 5/10/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	7	10.5	
○ Initiative & Creativity	1.5	8	12	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	7	17.5	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	7	14	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	8	20	
○ Availability	1.5	9	13.5	
○ Project Budgeting and Cost Control	2.0	8	16	
○ QA/QC	1.5	8	12	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	7	17.5	
○ Customer service experience	2.5	8	20.	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>153</b>	

Evaluator: Mark L. Phus Signature: 

## PROPOSAL EVALUATION FORM

Consultant: Bucknam Infrastructure Group Date: 5/11/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	8	12	
○ Initiative & Creativity	1.5	8	12	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	9	22.5	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	8	16	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	8	20	
○ Availability	1.5	9	13.5	
○ Project Budgeting and Cost Control	2.0	9	18	
○ QA/QC	1.5	9	13.5	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	8	20	
○ Customer service experience	2.5	9	22.5	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>170</b>	

Evaluator: Mark Uphus

Signature: 



# PROPOSAL EVALUATION FORM

Consultant: IMS Date: 5/12/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	9	13.5	
○ Initiative & Creativity	1.5	9	13.5	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	9	22.5	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	9	18	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	9	22.5	
○ Availability	1.5	9	13.5	
○ Project Budgeting and Cost Control	2.0	8	16	
○ QA/QC	1.5	9	13.5	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	9	22.5	
○ Customer service experience	2.5	9	22.5	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>178</b>	

**Evaluator:**

Signature:

Mark Uphus

## PROPOSAL EVALUATION FORM

Consultant: GMU Date: 5/13/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	8	12	
○ Initiative & Creativity	1.5	9	13.5	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	7	17.5	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	8	16	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	8	20	
○ Availability	1.5	9	13.5	
○ Project Budgeting and Cost Control	2.0	7	14	
○ QA/QC	1.5	8	12	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	7	17.5	
○ Customer service experience	2.5	9	22.5	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>158.5</b>	

Evaluator: And Hsieh Signature: MA

## PROPOSAL EVALUATION FORM

Consultant: Bucknam Infrastructure Group Date: 5/13/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	8	12	
○ Initiative & Creativity	1.5	7	10.5	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	8	20	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	8	16	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	8	20	
○ Availability	1.5	9	13.5	
○ Project Budgeting and Cost Control	2.0	9	18	
○ QA/QC	1.5	7	10.5	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	8	20	
○ Customer service experience	2.5	9	22.5	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>163</b>	

Evaluator: Nick Hsieh Signature: NA

## PROPOSAL EVALUATION FORM

Consultant: IMS Date: 5/13/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	9	13.5	
○ Initiative & Creativity	1.5	9	13.5	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	9	22.5	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	9	18	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	9	22.5	
○ Availability	1.5	9	13.5	
○ Project Budgeting and Cost Control	2.0	7	14	
○ QA/QC	1.5	9	13.5	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	8	20	
○ Customer service experience	2.5	9	22.5	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>173.5</b>	

Evaluator: Nick Hsieh Signature: MA

# PROPOSAL EVALUATION FORM

Consultant: IMS Date: 5/11/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	9	13.5	
○ Initiative & Creativity	1.5	9.5	14.25	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	9.5	23.75	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	9	18	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	9.5	23.75	
○ Availability	1.5	9	13.50	
○ Project Budgeting and Cost Control	2.0	9	18	
○ QA/QC	1.5	9	13.50	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	9	22.5	
○ Customer service experience	2.5	9	22.5	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>183.25</b>	

Evaluator: Ava Neal

Signature: \_\_\_\_\_

## PROPOSAL EVALUATION FORM

Consultant: Bucknam Infrastructure Group Date: 5/17/21

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	9	13.5	
○ Initiative & Creativity	1.5	9	13.5	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	9.5	23.75	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	9	18	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	9	22.5	
○ Availability	1.5	9	13.50	
○ Project Budgeting and Cost Control	2.0	9	18	
○ QA/QC	1.5	9	13.50	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	9	22.50	
○ Customer service experience	2.5	9	22.50	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>181.25</b>	

Evaluator: Ana Neal

Signature: 

## PROPOSAL EVALUATION FORM

Consultant: GMU Date: 5/17/24

Project: City-wide Pavement Management Program

CRITERION	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score	Remarks
<b>PROPOSAL PRESENTATION</b>				
○ Organization and Completeness	1.5	9	13.50	
○ Initiative & Creativity	1.5	8.5	12.75	
<b>QUALIFICATIONS</b>				
○ Experience of the firm on similar engagements/projects	2.5	8.5	21.25	
○ Qualifications & Experience of Personnel (PM and Staff)	2.0	9	18	
<b>WORK PLAN</b>				
○ Knowledge and understanding of the Project	2.5	9	22.50	
○ Availability	1.5	9	13.50	
○ Project Budgeting and Cost Control	2.0	9	18	
○ QA/QC	1.5	9	13.50	
<b>REFERENCES</b>				
○ Work quality provided to the reference(s)	2.5	9	22.50	
○ Customer service experience	2.5	9	22.50	
<b>GRAND TOTAL</b>	<b>20.0</b>		<b>179</b>	

Evaluator: ANA NEAL

Signature: 

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Scott C. Stiles From: William E. Murray

Dept.: City Manager Dept.: Public Works

Subject: Award a contract to Siemens Mobility, Inc., for on-call traffic signal and street lighting maintenance and repair. (Cost: \$150,000) (Action Item) Date: 6/8/2021

---

**OBJECTIVE**

To request that the City Council award a contract to Siemens Mobility, Inc. for on-call traffic signal and street lighting maintenance and repair services.

**BACKGROUND**

The City owns and maintains approximately 600 street lights, 140 traffic signals, 35 CCTV cameras, 46 speed radar feedback signs, 12 rectangular rapid flashing beacons, 3 permanent changeable message signs, and approximately 30 miles of underground fiber optic network linking the field elements to the Traffic Management Center within City Hall. The Engineering Division has a staff of only two (2) signal maintenance electricians who perform the daily maintenance on these systems.

The proposed on-call contract would provide a firm to primarily respond to emergency situations when accidents cause poles and controller cabinets to be damaged or knocked down. The firm would also assist in performing routine maintenance when City staff is unavailable.

**DISCUSSION**

The City's current traffic signal and street lighting maintenance on-call contract will expire on June 21, 2021. Therefore staff solicited requests for proposals and received a total of four (4) proposals. A panel consisting of three staff members rated the proposals on the basis of qualifications, work plan, and references. Based on the evaluation results, Siemens Mobility, Inc. was rated the highest. The following is a summary of the ratings:

	<b>Siemens Mobility, Inc.</b>	<b>Econolite Systems, Inc.</b>	<b>Bear Electrical Solutions, Inc.</b>	<b>St. Francis Electrical, LLC</b>



Rater A	176.0	168.0	158.5	152.0
Rater B	177.5	170.5	159.5	153.5
Rater C	189.8	177.8	178.0	175.3
<b>Totals</b>	<b>543.3</b>	<b>516.3</b>	<b>496.0</b>	<b>480.8</b>

#### FINANCIAL IMPACT

It is anticipated that the contract will be established in the not-to-exceed amount of \$150,000 per year with the option to extend the agreement in one (1) year increments, for a total performance period of five (5) years. Funding will be provided by the General Fund and the Street Lighting Fund. It is included in Traffic Engineering's operational budget.

#### RECOMMENDATION

It is recommended that the City Council:

- Award a contract to Siemens Mobility, Inc., in the not-to-exceed amount of \$150,000.00 per year with the option to extend the agreement in one (1) year increments, for a total performance period of five (5) years;
- Authorize the City Manager to execute the agreement, and make minor modifications as appropriate thereto, on behalf of the City; and
- Authorize the City Manager to exercise each option term and sign the option year amendments.

By: Ken Vu, Associate Engineer

#### ATTACHMENTS:

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
SEIMENS AGREEMENT	5/25/2021	Agreement	SEIMENS_AGREEMENT.pdf

## **CONSULTANT AGREEMENT**

THIS AGREEMENT is made this            day of            2021, by the CITY OF GARDEN GROVE, a municipal corporation, ("CITY"), and Siemens Mobility, Inc., a California Corporation ("CONSULTANT").

### **RECITALS**

The following recitals are a substantive part of this Agreement:

1. This Agreement is entered into pursuant to Garden Grove Council authorization dated \_\_\_\_\_.
2. CITY desires to utilize the services of CONSULTANT to provide on-call traffic signal and street lighting maintenance and repair services for the City of Garden Grove.
3. CONSULTANT is qualified by virtue of experience, training, education and expertise to accomplish services.

### **AGREEMENT**

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Term of Agreement:** This Agreement shall cover services rendered from date of this Agreement until (1) one year thereafter, with option to extend agreement in one (1) year increments, for a total performance period of five (5) years unless otherwise terminated per Section 3.5
2. **Services to be Provided:** The services to be performed by CONSULTANT shall consist of the services as further specified in CONSULTANT'S proposal attached hereto as Exhibit "A" and revised fee schedule attached hereto as Exhibit "B". CONSULTANT agrees that its provision of Services under this agreement shall be within accepted accordance with customary and usual practices in CONSULTANT'S profession. By executing this Agreement, CONSULTANT warrants that it has carefully considered how the work should be performed and fully understands the facilities, difficulties, and restrictions attending performance of the work under this agreement.
3. **Compensation.** CONSULTANT shall be compensated as follows:
  - 3.1 **Amount.** Compensation under this Agreement shall be per revised fee schedule (Exhibit B).
  - 3.2 **Not to Exceed.** Compensation under this Agreement shall not exceed \$150,000.00 per year.

- 3.3 Payment. For work under this Agreement, payment shall be made per monthly invoice. For extra work not a part of this Agreement, a written authorization by CITY will be required.
- 3.4 Records of Expenses. CONSULTANT shall keep complete and accurate records of payroll costs, travel and incidental expenses. These records will be made available at reasonable times to CITY.
- 3.5 Termination. CITY and CONSULTANT shall each have the right to terminate this Agreement, without cause, by giving thirty-(30) days written notice of termination to the other party. If CITY terminates the project, then the provisions of paragraph 3 shall apply to that portion of the work completed.

#### 4. **Contractor's Employee Compensation.**

- 4.1 **General Prevailing Rate.** CONSULTANT shall comply with all applicable requirements of Division 2, Part 7, Chapter 1 of the California Labor Code and all applicable federal requirements respecting the payment of prevailing wages. If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the prevailing wage rates determined by the Director of the Department of Industrial Relations (DIR) for similar classifications of labor, the CONSULTANT and its Sucontractors shall pay not less than the higher wage rate. The DIR will not accept lower State wage rates not specifically included in the Federal minimum wage determinations. This includes "helper" (or other classifications based on hours of experience) or any other classification not appearing in the Federal Wage determinations. Where Federal wage determinations do not contain the State wage rate determination otherwise available for use by the CONSULTANT and Subcontractors, the CONSULTANT and its Subcontractors shall pay not less than the Federal Minimum wage rate which most closely approximates the duties of the employees in question." CONSULTANT shall be responsible for compliance with the most recent Federal Wage Requirements and may reference <http://www.wdol.gov/dba.aspx#0>.
- 4.2 **Forfeiture for Violation.** CONSULTANT shall, as a penalty to the CITY, forfeit fifty dollars (\$50.00) for each calendar day or portion thereof for each worker paid (either by the CONSULTANT or any subcontractor under it) less than the prevailing rate of per diem wages as set by the Director of Industrial Relations, in accordance with Sections 1770-1780 of the California Labor Code for the work provided for in this Contract, all in accordance with Section 1775 of the Labor Code of the State of California.
- 4.3 **Travel and Subsistence Pay.** Section 1773.8 of the Labor Code of the State of California, regarding the payment of travel and subsistence payments, is applicable to this Contract and CONSULTANT shall comply therewith.

- 4.4 **Apprentices.** Section 1777.5, 1777.6 and 1777.7 of the Labor Code of the State of California, regarding the employment of apprentices is applicable to this Contract and the CONSULTANT shall comply therewith if the prime contract involves thirty thousand dollars (\$30,000.00) or more or twenty (20) working days, or more; or if contracts of specialty contractors not bidding for work through the general or prime contractor are two thousand dollars (\$2,000.00) or more for five (5) working days or more.
- 4.5 **Workday.** In the performance of this Contract, not more than eight (8) hours shall constitute a day's work, and CONSULTANT shall not require more than eight (8) hours of labor in a day from any person employed by him thereunder except as provided in paragraph (4.14.2) above. CONSULTANT shall conform to Article 3, Chapter 1, Part 7 (Sections 1810 et seq.) of the Labor Code of the State of California and shall forfeit to the CITY as a penalty, the sum of twenty-five dollars (\$25.00) for each worker employed in the execution of this Contract by CONSULTANT or nay subcontractor for each calendar day during which any worker is required or permitted to labor more than eight (8) hours in any one calendar day and forty (40) hours in any one week in violation of said Article. CONSULTANT shall keep an accurate record showing the name and actual hours worked each calendar day and each calendar week by each worker employed by CONSULTANT in connection with the Project.
- 4.6 **Records of wages: Inspection.** CONSULTANT agrees to maintain accurate payroll records showing the name, address, social security number, work classification, straight-time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker or other employee employed by it in connection with the Project and agrees to require that each of its subcontractors does the same. All payroll records shall be certified as accurate by the applicable contractor or subcontractor or its agent have authority over such matters. CONSULTANT further agrees that its payroll records and those of its subcontractors shall be available to the employee or employee's representative, the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards and shall comply with all the provisions of Labor Code Section 1776, in general.

## 5. **Insurance Requirements**

- 5.1 **Commencement of Work** CONSULTANT shall not commence work under this Agreement until all certificates and endorsements have been received and approved by the CITY. All insurance required by this Agreement shall contain a Statement of Obligation on the part of the carrier to notify the CITY of any material change, cancellation, or termination at least thirty (30) days in advance.
- 5.2 **Workers Compensation Insurance** For the duration of this Agreement, CONSULTANT and all subcontractors shall maintain Workers Compensation Insurance in the amount and type required by law, if

applicable. The insurer shall waive its rights of subrogation against the CITY, its officers, officials, agents, employees, and volunteers.

5.3 Insurance Amounts CONSULTANT shall maintain the following insurance for the duration of this Agreement:

- a) Commercial general liability in the amount of \$2,000,000 per occurrence; (claims made and modified occurrence policies are not acceptable); Insurance companies must be admitted and licensed in California and have a Best's Guide Rating of A-, Class VII or better, as approved by the CITY;
- b) Automobile liability in the amount of \$1,000,000 per occurrence; (claims made and modified occurrence policies are not acceptable) Insurance companies must be admitted and licensed in California and have a Best's Guide Rating of A-, Class VII or better, as approved by the CITY.
- c) Professional liability in the amount of \$1,000,000 per occurrence; Insurance companies must be acceptable to CITY and have an AM Best's Guide Rating of A-, Class VII or better, as approved by the CITY. If the policy is written on a "claims made" basis, the policy shall be continued in full force and effect at all times during the term of the agreement, and for a period of three (3) years from the date of the completion of services provided. In the event of termination, cancellation, or material change in the policy, professional/consultant shall obtain continuing insurance coverage for the prior acts or omissions of professional/consultant during the course of performing services under the term of the agreement. The coverage shall be evidenced by either a new policy evidencing no gap in coverage, or by obtaining separate extended "tail" coverage with the present or new carrier.

An Additional Insured Endorsement, **ongoing and completed operations**, for the policy under section 4.3 (a) shall designate CITY, its officers, officials, employees, agents, and volunteers as additional insureds for liability arising out of work or operations performed by or on behalf of the CONSULTANT. CONSULTANT shall provide to CITY proof of insurance and endorsement forms that conform to city's requirements, as approved by the CITY.

An Additional Insured Endorsement for the policy under section 4.3 (b) shall designate CITY, its officers, officials, employees, agents, and volunteers as additional insureds for automobiles owned, lease, hired, or borrowed by CONSULTANT. CONSULTANT shall provide to CITY proof of insurance and endorsement forms that conform to CITY's requirements, as approved by the CITY.

For any claims related to this Agreement, CONSULTANT's insurance coverage shall be primary insurance as respects to CITY, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, agents, or volunteers shall be excess of the CONSULTANT's insurance and shall not contribute with it.

*If CONSULTANT maintains higher insurance limits than the minimums shown above, CONSULTANT shall provide coverage for the higher insurance limits otherwise maintained by the CONSULTANT.*

6. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable to CONSULTANT in the event of any default or breach by CITY, or for any amount, which may become due to CONSULTANT.
7. **Non-Discrimination.** CONSULTANT covenants there shall be no discrimination against any person or group due to race, color, creed, religion, sex, marital status, age, handicap, national origin or ancestry, in any activity pursuant to this Agreement.
8. **Independent Contractor.** It is understood and agreed that CONSULTANT, including CONSULTANT's employees, shall act and be independent contractor(s) and not agent(s) or employee(s) of CITY, and that no relationship of employer-employee exists between the parties. CONSULTANT's assigned personnel shall not obtain or be entitled to any rights or benefits that accrue to, or are payable to, CITY employees, and CONSULTANT shall so inform each employee organization and each employee who is hired or retained under this Agreement. CITY is not required to make any deductions or withholdings from the compensation payable to CONSULTANT under the provisions of this Agreement, and is not required to issue W-2 Forms for income and employment tax purposes for any of CONSULTANT's assigned personnel. CONSULTANT hereby expressly assumes all responsibility and liability for the payment of wages and benefits to its assigned personnel, and all related reporting and withholding obligations. CONSULTANT hereby agrees to indemnify and hold CITY harmless from any and all claims or liabilities that CITY may incur arising from any contention by any third party, including, but not limited to, any employee of CONSULTANT or any federal or state agency or other entity, that an employer-employee relationship exists by reason of this Agreement, including, without limitation, claims that CITY is responsible for retirement or other benefits allegedly accruing to CONSULTANT's assigned personnel.
9. **Compliance With Law.** CONSULTANT shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government. CONSULTANT shall comply with, and shall be responsible for causing all contractors and subcontractors performing any of the work pursuant to this Agreement, if any, to comply with, all applicable federal and state labor standards, including, to the extent applicable, the prevailing wage

requirements promulgated by the Director of Industrial Relations of the State of California Department of Labor. The City makes no warranty or representation concerning whether any of the work performed pursuant to this Agreement constitutes public works subject to the prevailing wage requirements.

10. **Disclosure of Documents.** All documents or other information developed or received by CONSULTANT are confidential and shall not be disclosed without authorization by CITY, unless disclosure is required by law.
11. **Ownership of Work Product.** All documents or other information developed or received by CONSULTANT shall be the property of CITY. CONSULTANT shall provide CITY with copies of these items upon demand or upon termination of this Agreement.
12. **Conflict of Interest and Reporting.** CONSULTANT shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this Agreement.
13. **Notices.** All notices shall be personally delivered or mailed to the below listed addresses, or to such other addresses as may be designated by written notice. These addresses shall be used for delivery of service of process.

(a) Address of CONSULTANT is as follows:

Siemens Mobility, Inc.  
Attention: Micheal J. Hutchens  
2250 BusinessWay  
Riverside, CA 92501

(b) Address of CITY is as follows (with a copy to):

Engineering:	City Attorney
City of Garden Grove	City of Garden Grove
P.O. Box 3070	P.O. Box 3070
Garden Grove, CA 92840	Garden Grove, CA 92840

14. **CONSULTANT'S Proposal.** This Agreement shall include CONSULTANT'S proposal, Exhibit "A" hereto, which shall be incorporated herein. In the event of any inconsistency between the terms of the proposal and this Agreement, this Agreement shall govern.
15. **Licenses, Permits and Fees.** At its sole expense, CONSULTANT shall obtain a **Garden Grove Business License**, all permits and licenses as may be required by this Agreement.
16. **Familiarity With Work.** By executing this Agreement, CONSULTANT warrants that: (1) it has investigated the work to be performed; (2) it has



investigated the site of the work and is aware of all conditions there; and (3) it understands the facilities, difficulties and restrictions of the work under this Agreement. Should CONSULTANT discover any latent or unknown conditions materially differing from those inherent in the work or as represented by CITY, it shall immediately inform CITY of this and shall not proceed, except at CONSULTANT'S risk, until written instructions are received from CITY.

17. **Time of Essence.** Time is of the essence in the performance of this Agreement.
18. **Limitations Upon Subcontracting and Assignment.** The experience, knowledge, capability and reputation of CONSULTANT, its principals and employees were a substantial inducement for CITY to enter into this Agreement. CONSULTANT shall not contract with any other entity to perform the services required without written approval of the CITY. This Agreement may not be assigned voluntarily or by operation of law, without the prior written approval of CITY. If CONSULTANT is permitted to subcontract any part of this Agreement, CONSULTANT shall be responsible to CITY for the acts and omissions of its subcontractor as it is for persons directly employed. Nothing contained in this Agreement shall create any contractual relationship between any subcontractor and CITY. All persons engaged in the work will be considered employees of CONSULTANT. CITY will deal directly with and will make all payments to CONSULTANT.
19. **Authority to Execute.** The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
20. **Indemnification.** To the fullest extent permitted by law, CONSULTANT agrees to protect, defend, and hold harmless CITY and its elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury or death of any person, or damages of any nature, including interference with use of property, arising out of, or in any way connected with the negligence, recklessness and/or intentional wrongful conduct of CONSULTANT, CONSULTANT'S agents, officers, employees, subcontractors, or independent contractors hired by CONSULTANT in the performance of the Agreement. The only exception to CONSULTANT'S responsibility to protect, defend, and hold harmless CITY, is due to the negligence, recklessness and/or wrongful conduct of CITY, or any of its elective or appointive boards, officers, agents, or employees.

This hold harmless agreement shall apply to all liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by CONSULTANT.

21. **Modification.** This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This

Agreement may be modified only by subsequent mutual written agreement executed by CITY and CONSULTANT.

22. **Waiver.** All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of the CITY and CONSULTANT.
23. **California Law.** This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the central branch of the Orange County Superior Court.
24. **Interpretation.** This Agreement shall be interpreted as though prepared by both parties
25. **Preservation of Agreement.** Should any provision of this Agreement be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

*[SIGNATURES ON FOLLOWING PAGE]*

**IN WITNESS THEREOF**, these parties hereto have caused this Agreement to be executed as of the date set forth opposite the respective signatures.

**"CITY"  
CITY OF GARDEN GROVE**

Dated: \_\_\_\_\_, 2021

By: \_\_\_\_\_  
City Manager

**ATTEST**

**"CONSULTANT"  
Siemens Mobility, Inc.**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2021

Dated: \_\_\_\_\_, 2021

**APPROVED AS TO FORM:**

If CONSULTANT/CONTRACTOR is a corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY

\_\_\_\_\_  
Garden Grove City Attorney

Dated: \_\_\_\_\_, 2021

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Adoption of a Resolution to confirm the annual levy of Fiscal Year 2021-22 Assessment for the Downtown Assessment District. ( <i>Action Item</i> )		
		Date:	6/8/2021

---

**OBJECTIVE**

For the City Council to hold a public hearing and to adopt the Resolution to confirm Fiscal Year 2021-22 assessment for the Downtown Assessment District.

**BACKGROUND**

On May 25, 2021, City Council adopted Resolutions 9677-21, 9678-21, 9679-21 which in general, described the proposed improvements, directed the City Engineer to prepare and file an Engineer's Report, and stated the intention to levy and collect assessments for FY 2021-22, setting the public hearing date for June 8, 2021.

**DISCUSSION**

These proceedings and the notification regarding the levying of an annual assessment have been followed in accordance to the Landscaping and Lighting Act of 1972. The remaining action for City Council is to hold the public hearing and, after conducting the hearing, adopt the proposed resolution to levy FY 2021-22 assessments for the Downtown Assessment District.

**FINANCIAL IMPACT**

There is no impact to the General Fund. The City will collect \$26,700 in assessment revenues for the Downtown Assessment District.

**RECOMMENDATION**

It is recommended that the City Council:

- Conduct a public hearing for the proposed annual levy of assessments;

- Receive the report of the City Clerk regarding protests received; and
- Assuming there is no majority protest, adopt the Resolution confirming the proceedings and levying assessments against the individual parcels in the Downtown Assessment District.

By: Ana V. Neal, Sr. Administrative Analyst

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Public Hearing Resolution	5/26/2021	Resolution	Downtown_Assessment_PH_Resolution.doc

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS  
IN THE MATTER OF THE DOWNTOWN ASSESSMENT DISTRICT.

WHEREAS, the City Council has, by its Resolution No. 9677-21 declared its intention to order the maintenance of certain improvements and appurtenances within the Downtown Assessment District under the provisions of the Landscaping and Lighting Act of 1972, Division 15, Part 2 (commencing with Section 22500) of the California Streets and Highways Code (herein "the Act");

WHEREAS, by Resolution No. 9678-21 the City Council has approved an Engineer's Report under and pursuant to the Act and, in particular Section 22622 of the Streets and Highways Code;

WHEREAS, the report contained among other things, an estimate of the cost of maintenance, a diagram showing the assessment district and boundaries and dimensions of the subdivisions of land within the assessment district (Attachment "A"), and a proposed assessment of the total amount of the costs and expenses of maintenance upon several subdivisions of land in the assessment district in direct proportion to the estimated benefits to be received by the subdivisions respectively from the maintenance;

WHEREAS, by Resolution No. 9679-21 the City Council fixed the date of June 8, 2021, at 6:30 p.m. (or as soon thereafter as the City Council may hear same) in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9679-21 and of the time and place of purpose of the hearing, all as required by the Act;

WHEREAS, the City Clerk has filed with the City Council its affidavit setting forth the time and manner of the compliance with the requirements of the Act for publishing of the notice;

WHEREAS, at the time and place stated in the notice, a Public Hearing was conducted by the City Council at which hearing the report was duly presented and public testimony solicited and heard in the matter of the proposed assessment, and a full, fair, and complete hearing has been held and the City Council has been fully informed;

WHEREAS, the City Council has examined and considered the assessment prepared in the report and proceedings prior thereto, and the evidence presented at the hearing;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the improvements proposed; and

WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notice given as set forth in the recitals, and each and every step in the proceedings prior to and including the hearing has been duly and regularly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied. The City Council does hereby confirm the proceedings and the assessment.

SECTION 2. The City Council orders the proposed maintenance to be made in accordance with the report and these proceedings.

SECTION 3. The City Council does hereby determine that the amounts to be assessed against the individual parcels shown on the assessment diagram contained in the report are hereby approved and confirmed, and the City Clerk is hereby directed to endorse the fact and date of approval of the report.

SECTION 4. The adoption of this Resolution constitutes the levy of an assessment for FY 2021-22 as set forth in the report.

SECTION 5. The City Clerk is hereby directed to file and record the diagram and assessment, as required by Section 22641 of the California Streets and Highways Code, with the County Auditor for collection of the assessment on the tax roll.



**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Adoption of Resolutions Confirming the Annual Levy of Fiscal Year 2021/22 Assessments for the Garden Grove Street Lighting District, the Garden Grove Street Lighting District No. 99-1, and the Garden Grove Park Maintenance District. ( <i>Action Item</i> )		
		Date:	6/8/2021

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**OBJECTIVE**

For the City Council to hold public hearings prior to adoption of the Fiscal Year 2021/22 assessments for: 1) the Garden Grove Street Lighting District, 2) the Garden Grove Street Lighting District No. 99-1, and 3) the Garden Grove Park Maintenance District.

**BACKGROUND**

On May 25, 2021, City Council adopted Resolution Nos. 9680-21, 9681-21, and 9682-21, declaring its intention to levy and collect Fiscal Year 2021/22 assessments to pay for street lighting and park maintenance services.

**DISCUSSION**

The purpose of the public hearings are to hear testimony on the question of the annual assessments for parcels located within the Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District. The proposed assessments are based on rates and methodology as previously adopted in Fiscal Year 2020/21 by the City Council for the Garden Grove Street Lighting District and the Garden Grove Park Maintenance District. There will not be an increase in the assessments this fiscal year.

**FINANCIAL IMPACT**

The adoption of street lighting and park maintenance assessments will raise approximately \$1,300,000 in street lighting revenues and \$700,000 in park

maintenance revenues. The assessments will be collected by the County.

## **RECOMMENDATION**

It is recommended that the City Council take the following actions:

1. **For the Garden Grove Street Lighting District:**

- Conduct the public hearing for the proposed annual levy of assessments;
- Receive the report of the City Clerk regarding protests received; and
- Assuming there is no majority protest, adopt the Resolution confirming the assessment in the Garden Grove Street Lighting District for FY 2021-22.

2. **For the Garden Grove Street Lighting District No. 99-1:**

- Conduct the public hearing for the proposed annual levy of assessments;
- Receive the report of the City Clerk regarding protests received; and
- Assuming there is no majority protest, adopt the Resolution confirming the assessment in Street Lighting District No. 99-1 for FY 2021-2022.

3. **For the Garden Grove Park Maintenance District:**

- Conduct the public hearing for the proposed annual levy of assessments;
- Receive the report of the City Clerk regarding protests received; and
- Assuming there is no majority protest, adopt the Resolution confirming the assessment in the Garden Grove Park Maintenance District for FY 2021-2022.

By: Ana V. Neal, Sr. Administrative Analyst

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Public Hearing Resolution-Lighting District	5/26/2021	Resolution	Resolution-Lightng_District_PH.docx
Public Hearing Resolution - Park District	5/26/2021	Resolution	Resolution-Park_Assessment_PH.docx
Public Hearing Resolution - 99-1 Lighting District	5/26/2021	Resolution	Resolution-99-1_PH.docx

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2021-22 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the installation, maintenance, and servicing of certain public street lighting facilities in the City of Garden Grove Street Lighting District (Resolution No. 9680-21 for FY 2021-22 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 25, 2021, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9684-21 fixed June 8, 2021, at 6:30 p.m., or as soon thereafter as practicable, in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9684-21 and of the time and place and purpose of the Public Hearing;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the improvements proposed; and

WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented to it, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the report; (ii) the District includes all of the lands so benefited; (iii) the net amount to be assessed upon the lands within the District for FY 2021-22, in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

SECTION 4. The City Council hereby confirms the diagram and assessment for the District for FY 2021-22. The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the Fiscal Year commencing July 1, 2021, and ending June 30, 2022, as set forth in the report.

SECTION 5. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 6. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 7. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor for collection of the assessment on the tax roll.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING  
DETERMINATIONS FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE  
DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2021-22  
FISCAL YEAR

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the maintenance of public parks in the City of Garden Grove (Resolution No. 9682-21 for FY 2021-22 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 25, 2021, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9686-21 fixed June 8, 2021, at 6:30 p.m., or as soon thereafter as practicable, in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9686-21 and of the time and place and purpose of the Public Hearing;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the improvements proposed; and

WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented to it, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the report; (ii) the District includes all of the lands so benefited; (iii) the net amount to be assessed upon the lands within the District for FY 2021-22, in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

SECTION 4. The City Council hereby confirms the diagram and assessment for the District for FY 2021-22. The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the Fiscal Year commencing July 1, 2021, and ending June 30, 2022, as set forth in the report.

SECTION 5. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 6. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 7. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor for collection of the assessment on the tax roll.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2021-22 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the installation, maintenance, and servicing of certain public street lighting facilities in the City of Garden Grove Street Lighting District No. 99-1 (Resolution No. 9680-21 for FY 2021-22 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 25, 2021, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9685-21 fixed June 8, 2021, at 6:30 p.m., or as soon thereafter as practicable, in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9685-21 and of the time and place and purpose of the Public Hearing;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the improvements proposed; and



WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented to it, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the report; (ii) the District includes all of the lands so benefited; (iii) the net amount to be assessed upon the lands within the District for FY 2021-22, in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

SECTION 4. The City Council hereby confirms the diagram and assessment for the District for FY 2021-22. The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the Fiscal Year commencing July 1, 2021, and ending June 30, 2022, as set forth in the report.

SECTION 5. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 6. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 7. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor for collection of the assessment on the tax roll.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Introduction and first reading of an Ordinance to approve Planned Unit Development No. PUD-128-12(A)	Date:	6/8/2021

OBJECTIVE

To transmit a recommendation from the Planning Commission to the City Council to introduce and conduct the first reading of an Ordinance approving Planned Unit Development No. PUD-128-12(A) to change the zoning of the subject 0.83-acre site at 12202 Harbor Boulevard (APN: 231-491-21) to PUD-128-12(A) zoning.

BACKGROUND

The subject site is an approximately 0.83-acre property located within a Planned Unit Development (PUD) located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane. The site has a General Plan Land Use designation of International West Mixed Use (IW), and is currently zoned Planned Unit Development No. PUD-128-12. The subject site abuts Harbor Corridor Specific Plan – Tourist Commercial “B” (HCSP-TCB) zoned properties to the north, the future “Site C Project” in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and the Sheraton hotel in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard. Currently the site is vacant.

In 2012, the City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 to facilitate the future development of a resort hotel project known as the “Site C Project” on an approximately 5.2-acre site encompassing both the subject property and the abutting properties to the east and south.

In 2013, the City of Garden Grove approved the Grove District Resort Hotel Development Agreement (DDA). The DDA provided that the City would acquire and convey approximately 4.3 acres of the combined 5.2-acre site to the developer for the “Site C Project.” The DDA gave the developer the option of acquiring the subject 0.83-acre property at 12202 Harbor Boulevard, and adding it to the City-owned 4.3 acres for the “Site C Project.” The “Site C Project” developer did not acquire the property, therefore it was not incorporated into the “Site C Project.”

In 2017, the City approved Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455, and Development Agreement No. DA-008-2017 to implement the “Site C Project.” These land use approvals reduced the “Site C Project” from the original 5.3 acres to 4.3 acres to exclude the subject property. Additionally, the 2017 “Site C Project” entitlements authorized the development of 100,762 square feet of restaurant and conference/banquet uses on that 4.3 acres, using nearly all of the original building area allotted pursuant to PUD-128-12.

The owner of the subject 0.83-acre property located at 12202 Harbor Boulevard now wishes to develop a restaurant on the site. Due to the subject site never being integrated into the “Site C Project” as contemplated in 2012, the PUD zoning for the site must be modified to facilitate its development. Therefore, the applicant is requesting to create a new “Subarea A” of PUD-128-12, which would establish separate implementation provisions and development standards governing the development on the subject site that are as, or more, restrictive as those approved under PUD-128-12. The subarea PUD-128-12(A) zoning would allow for the development of a restaurant on the site. The applicant is concurrently requesting to construct a restaurant considered under Site Plan No. SP-099-2021, which has been approved by the Planning Commission, but is contingent upon the City Council's approval of the new “Subarea A” PUD zoning for the property.

The proposed project design includes:

- The proposed 3,267 square foot drive-thru Raising Cane’s restaurant will be located toward the center of the site, with parking, drive-thru lanes, and landscaping surrounding the building on all sides.
- The drive-thru will feature two (2) queuing lanes to accommodate up to eighteen (18) cars, minimizing the number of cars that spill onto the adjacent drive aisles.
- Forty-three (43) parking spaces are required for the restaurant. The restaurant site provides thirty (30) parking spaces. The remaining parking spaces will be provided on the shopping center property to the north. In total, the shopping center and the subject property are required to provide 731 parking spaces. The two properties provide

742 parking spaces. This is a surplus of eleven (11) parking spaces.

- Approximately 7,359 square feet (18% of the overall site) of landscaping will be provided onsite. Adjacent to Harbor Boulevard, the project is required to provide landscaping to match the existing Grove District landscaping treatment.
- The proposed building will be compatible with the contemporary architecture of nearby buildings along Harbor Boulevard. The design of the restaurant is characterized by a boxy footprint, flat roof, and large windows facing Harbor Boulevard. An earthy color scheme is accented by red brick and black trim. Bright red signage will also accent the neutral color scheme.

On May 6, 2021, the Planning Commission held a public hearing to consider Planned Unit Development No. PUD-128-12(A), and Site Plan No. SP-099-2021. At the meeting, no members of the public spoke about the project. The Planning Commission voted 6-0, with one commissioner absent, and adopted Resolution No. 6022-21 recommending approval of PUD-128-12(A) to the City Council. The Planning Commission also adopted Resolution No. 6023-21 approving Site Plan No. SP-099-2021, contingent upon City Council's approval of PUD-128-12(A).

## DISCUSSION

### Planned Unit Development No. PUD-128-12(A):

A Planned Unit Development (PUD) is a precise plan that provides the means for the regulation of buildings, structures, and uses of land to facilitate the implementation of the General Plan. The PUD zoning designation establishes development standards and uses specific to a particular project that achieve a higher quality of project than what could be achieved with traditional zoning.

The subject property at 12202 Harbor Boulevard is currently zoned PUD-128-12, which was adopted to facilitate the development of the "Site C Project." Due to the subject property not being integrated into the "Site C Project," the current PUD zoning for the property needs to be modified to facilitate the independent development of the property.

The proposed PUD amendment would place the subject property into its own PUD subarea, PUD-128-12(A), or "Subarea A." The subarea would allow for the development of the proposed restaurant. It will provide development standards that govern the design and function of any development on the site. If the PUD subarea is approved, the site would have a zoning designation of Planned Unit Development No. PUD-128-12(A). Seeing how the property would otherwise be vacant under the current PUD, the requested "Subarea A" will result in a greater project than what would otherwise be permissible on the property.

Also necessary is the approval of a Site Plan to allow the construction of the proposed drive-thru restaurant building. The Site Plan approved by the Planning Commission is contingent upon the City Council's approval of the new "Subarea A" for the property. Planned Unit Development No. PUD-128-12(A) would permit the development of the property, and provide development standards, thereby facilitating the development of the restaurant under SP-099-2021. The proposed development standards would not expand the types of uses, maximum allowed height, minimum setbacks, or minimum parking ratios that currently apply to the property and, except for a slight increase in the overall building area allotted for restaurant uses, would be at least as restrictive as the development standards applicable to the "Site C Project" under PUD-128-12.

Consistent with the General Plan Land Use Policies for the resort area, the proposed PUD subarea enhances and complements other entertainment and resort uses in the vicinity. The project improves an otherwise vacant property. The project is designed to enhance the Harbor Boulevard streetscape, with windows, dining areas, pedestrian improvements, signage, and landscaping all oriented toward Harbor Boulevard. The proposed restaurant is accessible to both vehicle and pedestrian traffic, accommodating locals and tourists alike.

### Environmental Review:

The California Environmental Quality Act's (CEQA) Class 3 exemption applies to new construction, or conversion of small structures, including stores, motels, offices, restaurants, or similar structures not involving significant amounts of hazardous substances, not exceeding 10,000 square feet in floor area within an urbanized location, and in a zone that allows for such a use (CEQA Guidelines §15303.). Therefore, staff recommends that the City Council determine the project to be exempt from CEQA.

## FINANCIAL IMPACT

There is no fiscal impact to the City regarding this proposed amendment.

## RECOMMENDATION

It is recommended that the City Council:

- Conduct a Public Hearing;
- Introduce and conduct the first reading of an Ordinance approving Planned Unit Development No. PUD-128-12(A) to

- Introduce and conduct the first reading of an Ordinance approving Planned Unit Development NO. PUD-128-12(A) to amend the City's official Zoning Map to change the zoning of the project site to PUD-128-12(A) zoning.

**ATTACHMENTS:**

Description	Upload Date	Type	File Name
City Council Ordinance	5/12/2021	Ordinance	June_8__2021_Draft_City_Council_Ordinance_PUD-128-12(A).doc
Exhibit for Amendment to City of Garden Grove Zoning Map	5/12/2021	Exhibit	Exhibit_for_Amendment_to_City_of_Garden_Grove_Zoning_Map.pdf
Planning Commission Staff Report, Resolutions, Conditions of Approval, and Draft Minute Excerpt from May 6, 2021	5/14/2021	Backup Material	Planning_Commission_Staff_Report__Resolutions__Conditions_of_Approval__and_Draft_Minute_Excerpt_from_May_6__2021.pdf
Project Plans	5/14/2021	Backup Material	Project_Plans.pdf

**EXHIBIT "A"**  
**PROPOSED ORDINANCE**

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A), AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-128-12, TO ESTABLISH SEPARATE IMPLEMENTATION PROVISIONS AND DEVELOPMENT STANDARDS FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD (ASSESSOR PARCEL NUMBER 231-491-21)

**City Attorney Summary**

***This Ordinance approves an amendment to Planned Unit Development No. PUD-128-12 to establish a new Subarea A with separate implementation provisions and development standards applicable to an approximately 0.83 acre site in the City of Garden Grove located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, covering property identified as 12202 Harbor Boulevard (Assessor Parcel Number 231-491-21), in order to permit and facilitate the future development of a freestanding pad restaurant and related site improvements on the property.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Raising Cane's Restaurants, LLC, the applicant, submitted a request to construct the 3,267 square foot pad drive-thru restaurant, along with associated site improvements, on a 0.83-acre lot, located at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21, collectively (the "Property"), which is owned by Mann Enterprises, Inc.; and

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (a) amendment of Planned Unit Development No. PUD-128-12, for a 0.83-acre lot located at 12202 Harbor Boulevard (Assessor's Parcel No. 231-491-21), to create a new subarea, PUD-128-12(A), to facilitate the development of a new pad restaurant; and (b) approval of Site Plan No. SP-099-2021 to construct a 3,267 square foot pad drive-thru restaurant, along with associated site improvements (collectively, the "Project"); and

WHEREAS, the subject site has a General Plan Land Use Designation of International West Mixed Use, and is currently zoned Planned Unit Development No. PUD 128 12; and

WHEREAS, in 2012, the City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 to facilitate the future development of a resort hotel development project known as the "Site C Project." As adopted in 2012, PUD-128-12 allows for the construction of up to 769 rooms

within three (3) hotels and up to 104,000 aggregate square feet of conference/banquet facilities, restaurant/entertainment uses on freestanding pads, and hotel restaurants on an aggregate approximately 5.2-acre combined site that encompasses both the subject property and the abutting properties to the east and south; and

WHEREAS, in 2013, the City of Garden Grove approved the Grove District Resort Hotel Development Agreement (DDA). The DDA provided that the City would acquire and convey approximately 4.3 acres of the combined 5.2-acre site to a developer for the "Site C Project." The DDA gave the developer the option of acquiring the approximately 0.83-acre property at 12202 Harbor Boulevard that is the subject the instant application at its own cost and adding it to the City-owned 4.3 acres for the "Site C Project." The "Site C Project" developer ultimately did not acquire the property, however, and it was thus not incorporated into the "Site C Project"; and

WHEREAS, in 2017, the City approved Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455, and Development Agreement No. DA-008-2017 to implement the Site C Project. These land use approvals reduced the "Site C Project" site from the original 5.2 acres to 4.3 acres to exclude the subject property. In addition, the 2017 "Site C Project" entitlements authorized the development of 100,762 aggregate square feet of combined restaurant and conference/banquet uses on that 4.3 acres, taking up nearly all of the building area allotted for such uses pursuant to PUD-128-12; and

WHEREAS, because the subject site was never integrated into the "Site C Project" as originally contemplated in 2012, it is necessary to modify the current zoning for the site to facilitate its development independent of the "Site C Project"; and therefore, the applicant is requesting to create a new "Subarea A" of PUD-128-12; and

WHEREAS, the proposed Planned Unit Development amendment would establish a new subarea PUD-128-12(A) with separate implementation provisions and development standards governing development on the subject site that are at least as restrictive as those approved under PUD-128-12 in order to allow for the development of a pad restaurant on the subject 0.83-acre site; and

WHEREAS, following a public hearing held on May 6, 2021, the Planning Commission adopted Resolution No. 6022-21, establishing implementation provisions and development standards for Subarea A and recommending City Council approval of Planned Unit Development No. PUD-128-12(A); and

WHEREAS, on May 6, 2021, the Planning Commission also adopted Resolution No. 6023-21 approving Site Plan No. SP-099-2021, subject to the City Council's adoption of an Ordinance approving Planned Unit Development No. PUD-128-12(A); and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on \_\_\_\_\_, 2021, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby determines that the Project is categorically exempt from review under the California Environmental Quality Act, California Public Resources Code Section 21000 *et. seq.* ("CEQA") pursuant Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303); and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6022-01, and makes the following findings regarding Planned Unit Development No. PUD-128-12(A):

A. The location of the buildings, architectural design, and uses proposed pursuant to the PUD amendment are compatible with the character of existing development in the vicinity and will be well integrated into its setting.

B. The amended plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

C. Provision is made for both public and private open spaces.

D. Provision is made for the protection and maintenance of private areas reserved for common use.

E. The quality of the Project achieved through the proposed amendment to the existing planned unit development zoning is greater than could be achieved through traditional zoning.

F. The amendment to the PUD is internally consistent with the goals, objectives, and elements of the General Plan.

G. The amendment to the PUD will promote the public interest, health, and welfare.

H. The subject parcel is physically suitable for the requested PUD designation, compatible with surrounding land uses, and consistent with the General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The facts and reasons stated in Planning Commission Resolution No. 6022-21 recommending approval of Planned Unit Development No. PUD-128-12(A), a copy of which is on file in the Office of the City Clerk, are hereby incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Planned Unit Development No. PUD-128-12(A) is hereby approved, subject to the implementation provisions and development standards set forth in Planning Commission Resolution No. 6022-21. Except as otherwise expressly provided, the Planned Unit Development provisions and development standards set forth in Planning Commission Resolution No. 5779-12, adopted October 4, 2012, and as incorporated into and modified by Ordinance No. 2824, adopted November 27, 2012, as these provisions may be amended from time to time, shall not apply to "Subarea A."

Section 4. Approval of Planned Unit Development subarea PUD-128-12(A) will change the zoning of the project site to PUD-128-12(A) zoning, as shown on the attached map. Zoning Map part S-09 is amended accordingly.

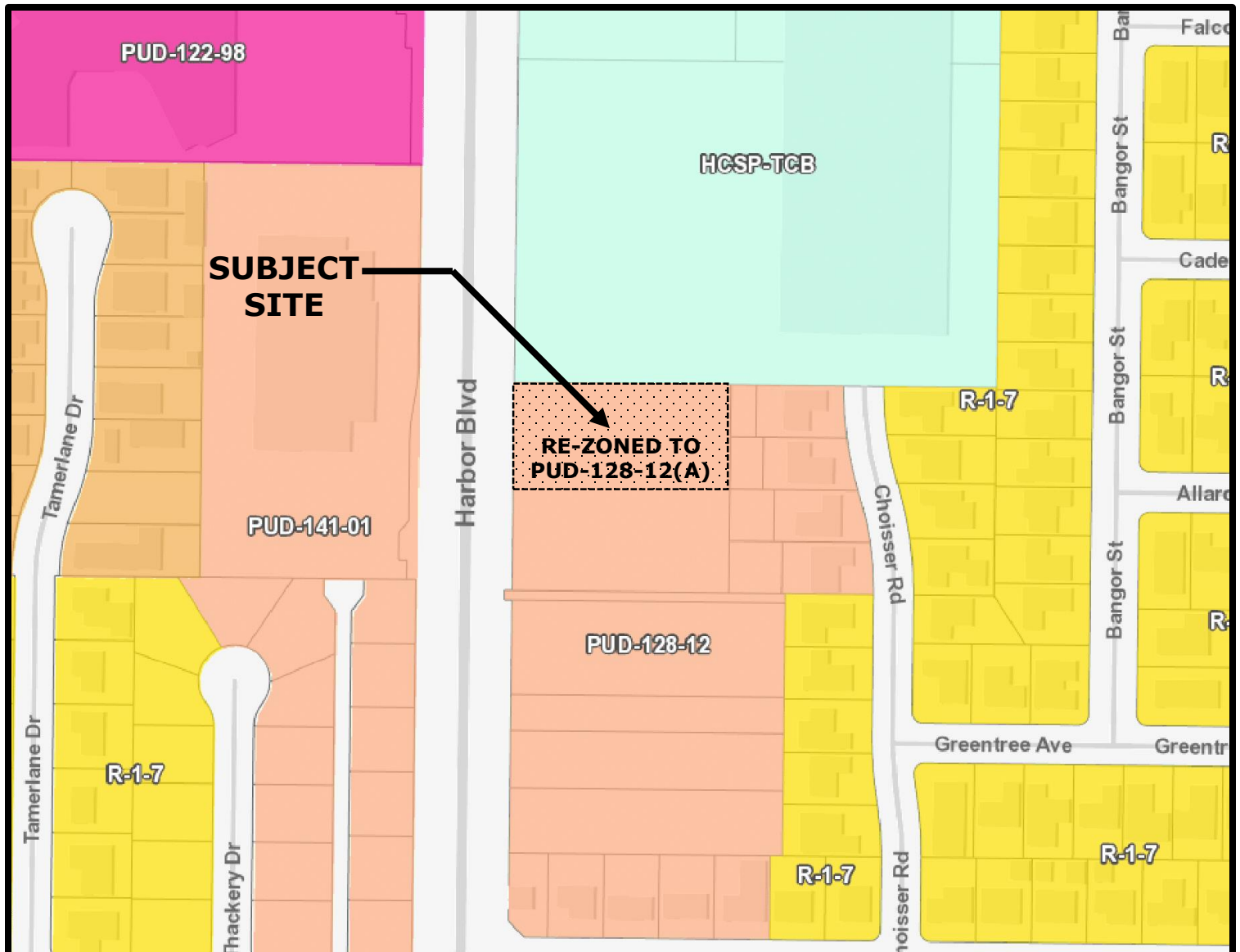
Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

Section 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect on the later of (i) the date that is thirty (30) days after adoption.






# PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A)



## LEGEND

 PLANNED UNIT DEVELOPMENT NO. PUD-128-12 SUBAREA NO. PUD-128-12(A)

## NOTES

SUBJECT SITE ADDRESS: 12202 HARBOR BOULEVARD  
(APN: 231-491-21)

**CITY OF GARDEN GROVE**  
**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**  
**PLANNING SERVICES DIVISION**  
**GIS SYSTEM**

Page **JUNE 2021**

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> East side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard
<b>HEARING DATE:</b> May 6, 2021	<b>GENERAL PLAN:</b> International West Mixed Use
<b>CASE NOS.:</b> Planned Unit Development No. PUD-128-12(A) & Site Plan No. SP-099-2021	<b>EXISTING ZONE:</b> PUD-128-12 <b>PROPOSED ZONE:</b> PUD-128-12(A)
<b>APPLICANT:</b> Raising Cane's Restaurants, LLC	<b>APN:</b> 231-491-21
<b>PROPERTY OWNER:</b> Mann Enterprises, Inc.	<b>CEQA DETERMINATION:</b> Exempt: Section 15303 – New Construction or Conversion of Small Structures

## **REQUEST:**

The applicant is requesting Planned Unit Development and Site Plan approval to facilitate the construction of a 3,267 square foot Raising Cane's drive-thru restaurant, along with associated site improvements on a vacant property, located at 12202 Harbor Boulevard.

## **BACKGROUND:**

The subject site is an approximately 0.83-acre existing parcel located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard. The site has a General Plan Land Use designation of International West Mixed Use (IW), and is zoned Planned Unit Development No. PUD-128-12. Currently the site is vacant, having last been used as a temporary sales office for the nearby Chapman Commons condominiums.

The subject site abuts Harbor Corridor Specific Plan – Tourist Commercial "B" (HCSP-TCB) zoned properties to the north, the "Site C" hotel development in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and the Sheraton hotel in Planned Unit Development No. PUD-141-01 zoned property to the west, across Harbor Boulevard.

Prior to the incorporation of the City, the subject property was developed as a single-family residence. In 1983, the property was rezoned to Harbor Corridor Specific Plan – Transition Zone North (HCSP-TN). The Specific Plan zoning designation allowed for

the development of professional offices, multiple-family residential, personal service businesses, and on larger lots, such as the subject site, commercial uses that are also permitted in the Harbor Corridor Specific Plan – Tourist Commercial “A” and “B” (HCSP-TCA, and HCSP-TCB) zones to the north.

By 1989, there were multiple Code Enforcement violations against the property for poor property maintenance, and the single-family dwelling was deemed abandoned. In 1990, a fire destroyed approximately 75% of the house. Subsequently, the fire-damaged home, and all associated site improvements were demolished in late 1990.

In 1991, the City of Garden Grove approved Site Plan No. SP-106-91 and a Development Agreement for the construction of a one-story, approximately 10,800 square foot, commercial retail center. The entitlements and development agreement were never exercised, and the retail center was ultimately never constructed. The property remained vacant.

Starting in 2006, the subject site was used as a temporary sales office for the nearby Chapman Commons condominium development. The temporary sales office vacated the premises and removed all site improvements in 2008. The property has since remained vacant.

In 2012, the City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 to facilitate the future development of a resort hotel development project known as the “Site C Project.” As adopted in 2012, PUD-128-12 allows for the construction of up to 769 hotel rooms across three (3) hotels, and up to 104,000 aggregate square feet of conference/banquet facilities, restaurant/entertainment uses on freestanding pads, and hotel restaurants on an approximately 5.2-acre combined site that encompasses both the subject property and the abutting properties to the east and south.

In 2013, the City of Garden Grove approved the Grove District Resort Hotel Development Agreement (DDA). The DDA provided that the City would acquire and convey approximately 4.3 acres of the combined 5.2-acre site to the developer for the “Site C Project.” The DDA gave the developer the option of acquiring the approximately 0.83-acre property at 12202 Harbor Boulevard at its own cost and adding it to the City-owned 4.3 acres for the “Site C Project.” The “Site C Project” developer ultimately did not acquire the property, however, and it was thus not incorporated into the “Site C Project.”

In 2017, the City approved Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455, and Development Agreement No. DA-008-2017 to implement the “Site C Project.” These land use approvals reduced the “Site C Project” from the original 5.3 acres to 4.3 acres to exclude the subject property. In addition, the 2017 “Site C Project” entitlements authorized the development of 100,762 aggregate square feet of combined restaurant and conference/banquet uses on that 4.3 acres, taking up nearly all of the original building area allotted for such uses pursuant PUD-128-12.

The owner of the subject property located at 12202 Harbor Boulevard now wishes to develop a 3,267 square foot pad restaurant on the site. Due to the subject site never being integrated into the "Site C Project" as originally contemplated in 2012, the PUD zoning for the site must be modified to facilitate its development independent of the "Site C Project." Therefore, the applicant is requesting to create a new "Subarea A" of PUD-128-12, which would establish separate implementation provisions and development standards governing the development on the subject site that are as, or more, restrictive as those approved under PUD-128-12. The subarea PUD-128-12(A) zoning would allow for the development of a pad restaurant on the subject 0.83-acre site. The applicant is also concurrently requesting Site Plan approval to construct a 3,267 square foot Raising Cane's drive-thru restaurant, along with all associated site improvements.

### **PROJECT STATISTICS:**

	<b>Provided</b>	<b>PUD Requirement (Proposed)</b>
<u>Minimum Lot Size</u>	36,243.2 sq. ft. (0.83 acres)	N/A
<u>Lot Frontage</u>	129'-5"	N/A
<u>Setbacks</u>		
Front (West)	53'-0"	21'-0" from Harbor Boulevard
Rear (East)	37'-6"	10'-0"
Side (North)	27'-7"	0'-0"
Side (South)	67'-10"	0'-0"
<u>Restaurant Parking</u>	30 on-site, 13 shared*	43 spaces
<u>Shared Parking*</u>	742 spaces	731 spaces**
<u>Building Height</u>	19'-10"	40'-0"
<u>Floor Area Ratio (FAR)</u>	9.0%	N/A
<u>Landscaping Area</u>	7,359 sq. ft. (18%)	N/A

\*Parking is provided in combination with the shopping center to the north, with a Reciprocal Easement Agreement (REA) allowing access across the two properties.

\*\*The parking calculation on the property to the north is subject to the Harbor Corridor Specific Plan development standards, the zoning of the property.

### **DISCUSSION:**

#### **PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A):**

Adopted by City Council ordinance, a Planned Unit Development (PUD) is a precise plan that provides for the regulation of buildings, structures, and uses of land to implement the General Plan. The PUD zoning designation establishes development standards and uses specific to a particular project that achieve a higher quality of project than what could be achieved with traditional zoning. The specific development standards applicable to a Planned Unit Development are set forth in the ordinance approving the PUD. Where a PUD is silent regarding operating conditions, maintenance, or other standards regulating a particular use, the appropriate Land Use Code standards apply.

The subject property at 12202 Harbor Boulevard is currently zoned PUD-128-12, which was adopted to facilitate the development of the "Site C Project." Due to the subject property not being integrated into the "Site C Project," the current PUD zoning for the property needs to be modified to facilitate the independent development of the property.

The proposed PUD amendment would place the subject property into its own PUD subarea, PUD-128-12(A), or "Subarea A." The subarea would allow for the development of the proposed 3,267 square foot pad restaurant. It will also provide development standards that govern the design and function of any development within the subarea. If the PUD subarea is approved, the site would have a zoning designation of Planned Unit Development No. PUD-128-12(A). Seeing how the property would otherwise be vacant under the current PUD, the requested "Subarea A" will result in a greater project than what would otherwise be permissible on the property.

Also necessary is the approval of a Site Plan to allow the construction of the proposed 3,267 square foot drive-thru pad restaurant building, along with associated site improvements. The Site Plan approval by the Planning Commission would be contingent upon the City Council's approval of the new "Subarea A" PUD zoning for the property. Planned Unit Development No. PUD-128-12(A) would permit the development of the property, and provide development standards, thereby facilitating the development of the restaurant under SP-099-2021. The proposed development standards would not expand the types of uses, maximum allowed height, minimum setbacks, or minimum parking ratios that currently apply to the property and, except for a slight increase in the overall building area allotted for restaurant uses, would be at least as restrictive as the development standards applicable to the Site C Project under PUD-128-12.

#### SITE PLAN:

##### Site Design and Circulation

The project will consist of constructing a new 3,267 square foot drive-thru Raising Cane's fast-food restaurant on an existing 0.83-acre property. The pad restaurant will be located toward the center of the site, with parking, drive-thru lanes, and landscaping surrounding the building on all sides. The interior of the restaurant will feature a dining area with seating for approximately 50 patrons, a service counter, a kitchen area, drive-thru payment and order pick-up windows, and restrooms. A partially-covered outdoor patio area along the west and south sides of the building will feature seating for approximately 79 patrons.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing thirty foot (30'-0") driveway from Harbor Boulevard to access the shopping center site. Two (2) twenty-six (26'-0") wide drive aisles will provide access from the shopping center site onto the restaurant site. A Reciprocal Easement Agreement (REA) will be recorded to allow access from the

restaurant site to the shopping center's parking area, and vice-versa (the property owner of the subject property also owns the property to the north). REAs are permitted in the proposed PUD subarea.

The drive-thru will feature two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around the north, and east sides of the building. Entering the queue from the south, patrons will reach a menu board on the east side of the building. An approximately 1,900 square foot awning structure will shelter the menu boards and drive-thru ordering area. After placing their orders, the two queuing lanes converge. A pay window and an order pick-up window are on the north side of the building. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up in the adjacent parking lot. The configuration of the drive-thru and parking facilities was reviewed by the Engineering Division to minimize possible impacts.

The design of the building will also provide new pedestrian access from Harbor Boulevard. The accessible path of travel will cross a drive aisle before reaching the front of the restaurant and the outdoor dining area. This pedestrian access also connects to the accessible parking spaces in the southern parking lot. Pedestrian access and outdoor dining is oriented toward Harbor Boulevard in an attempt to create a livelier street-front atmosphere.

#### Parking and Traffic

The required number of parking spaces for a restaurant is based on the square footage of the building. The proposed parking standards for PUD-128-12(A) require restaurants to provide one (1) parking space per 100 square feet of building area. Outside seating areas are also parked at a ratio of one (1) parking space per 100 square feet of dining area. The restaurant building is 3,267 square feet in size, and the outside dining area is approximately 941 square feet. Therefore, in total, forty-three (43) parking spaces are required for the restaurant.

The subject site provides twenty-one (21) striped parking spaces. In addition to the striped parking spaces, one-half (1/2) of the vehicles that can be queued in the drive-thru count toward the parking provided on-site. As designed, the drive-thru can queue eighteen (18) cars. Therefore, the site provides a total of thirty (30) parking spaces fully on-site. The remaining thirteen (13) parking spaces will be provided on the shopping center property to the north. The aforementioned REA will allow for the restaurant to use surplus parking on the neighboring shopping center property to fulfill its parking needs.

The required number of parking spaces for the shopping center is based on the square footage, and the uses on the property. The Harbor Corridor Specific Plan, the zoning designation for the center, requires one (1) parking space per 225 square feet of retail floor area for integrated shopping centers larger than one acre. An additional twenty-six (26) parking spaces is required for the car wash, approved under Site Plan No. SP-138-94. The shopping center has approximately 148,797 square feet of retail

area. This requires 662 parking spaces. Combined with the twenty-six (26) spaces required for the car wash, the property is required to have 688 parking spaces total.

In total, the shopping center and the subject property are required to provide 731 combined parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the two sites combined.

A traffic impact analysis was also conducted and prepared by a licensed traffic engineering firm. It evaluated trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant project would have a significant impact on only one intersection.

At the intersection of Harbor Boulevard and the primary driveway, delays can be expected during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. With the driveway already limited to a right-turn only when exiting the site, there are no proposed mitigation measures to address these impacts.

Furthermore, the traffic impact analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. In their analysis, the highest peak drive-thru demand was found to be a vehicle queue of seventeen (17) cars. The proposed dual drive-thru queue design provides a total of 405 feet of drive-thru queuing area, enough space for eighteen (18) cars to queue fully within the drive-thru, without spilling into the adjacent drive aisles. The proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area. The City's Traffic Engineering Division reviewed the traffic impact and drive-thru queuing analysis and concurred with the report's findings.

### Landscaping

As proposed, PUD-128-12(A) does not specify a minimum amount of landscaping that is required on-site, but requires that any area on the site that is not covered by roadways, parking, walkways, and buildings shall have landscape treatment. Landscaping to the interior of the site must be of sufficient variety and design to accentuate and enhance the development. The proposed site design will provide a total of approximately 7,359 square feet of landscaping on-site (18% of the overall site). The landscaping is provided in a variety of areas across the site, including adjacent to the drive-thru and parking areas so as to limit their visual impacts. The on-site landscaping design will consist of a mixture of trees, shrubs, and groundcover.

Along the westerly property line adjacent to Harbor Boulevard, the project is required to provide landscaping to match the existing Grove District landscaping treatment.

The landscaping treatment applies to both the parkway within the public right-of-way, and within the subject site. Landscaping features include the installation of the decorative "Alicante" sidewalk paving, double rows of palm trees, canopy trees, special landscape lighting, and conformance to the approved planting palette. These improvements will connect the Grove District identity from the shopping center to the north, to the future hotel uses to the south. The visual identity of the street-front landscaping will be consistent with the rest of the resort district.

The applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code, including the Landscape Water Efficiency Guidelines. All landscaping shall be watered by means of an automatic irrigation system meeting the City's Landscape Water Efficiency Guideline requirements. A separate landscape application will be submitted, and a building permit will be obtained for the proposed landscaping.

### Building Architecture

The architecture of the proposed building will be compatible with the nearby buildings along Harbor Boulevard. The design of the restaurant building is similar to many of the restaurant's other stores elsewhere in Southern California. Characterized by a boxy footprint, flat roof, and large windows along Harbor Boulevard, the store takes on a contemporary design. At the highest point, the building stands nineteen feet and ten inches (19'-10"), minimizing visual impact on the surrounding areas, and well within the maximum height of forty feet (40'-0") for PUD-128-12(A).

Generally, the building is rectangular in shape, with some offset features to add articulation. The parapets around the roof also feature a variety of heights, providing vertical articulation. A flat patio cover will partially shade the outside seating area along the western and southern sides of the building. Stylistically similar to the patio cover, awnings will be provided above most windows and doors, and a canopy will shade the ordering portion of the drive-thru. Windows with overhead transoms feature prominently on the north, west, and south sides of the buildings. On the western side of the building, a large multi-paned window faces into the outdoor dining area and toward Harbor Boulevard. The window designs further activate the resort area streetscape.

The earthy color scheme has similarities to the restaurant's other locations throughout the region. The intent is to create a contemporary urban feel to the restaurant. Neutral off-white and grey stuccos are accented by red brick accent walls on the east and west ends of the building. A weathered brick veneer wraps around the bottom of the northern and southern facades. The parapet, awnings, rain spouts, doors, drive-thru canopy, and patio cover are all constructed of steel, trimmed black to add contrast. Bright red signage will accent the neutral tones of the building's overall color scheme. For additional visual intrigue, a reclaimed metal number "1" art piece will accentuate the main entrance facing Harbor Boulevard.



**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

Staff believes the totality of the project is exempt from the California Environmental Quality Act (CEQA) under the Class 3 exemption. The California Environmental Quality Act's (CEQA) Class 3 exemption applies to new construction, or conversion of small structures (CEQA Guidelines §15303.). This includes the construction of a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 10,000 square feet in floor area within an urbanized location, and in a zone that allows for such a use (CEQA Guidelines §15303.(c)). The proposed drive-thru restaurant will be in an urbanized area, is less than 10,000 square feet in floor area, is a listed use in the Class 3 exemption, does not involve the use of a significant amount of hazardous materials, and is a permitted use under both the 2012 PUD-128-12 zoning and the proposed new PUD-128-12(A) zoning. Therefore, staff recommends that the Planning Commission and City Council determine the project to be exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing and take the following actions:

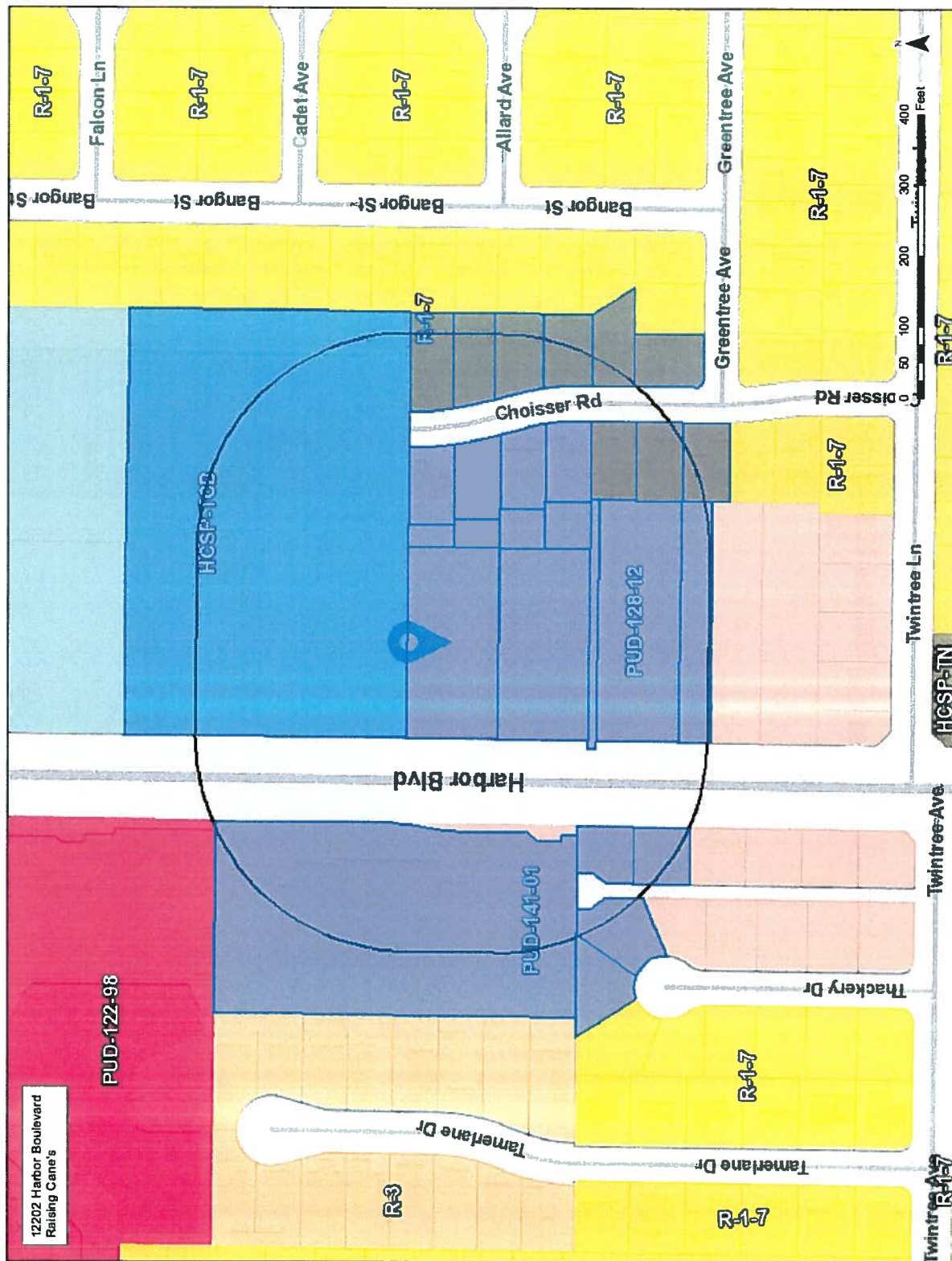
1. Adopt Resolution No. 6022-21 recommending that the Garden Grove City Council approve Planned Unit Development No. PUD-128-12(A); and
2. Adopt Resolution No. 6023-21 approving Site Plan No. SP-099-2021, subject to the recommended Conditions of Approval, and contingent upon Garden Grove City Council adoption and effectiveness of an Ordinance approving Planned Unit Development No. PUD-128-12(A).

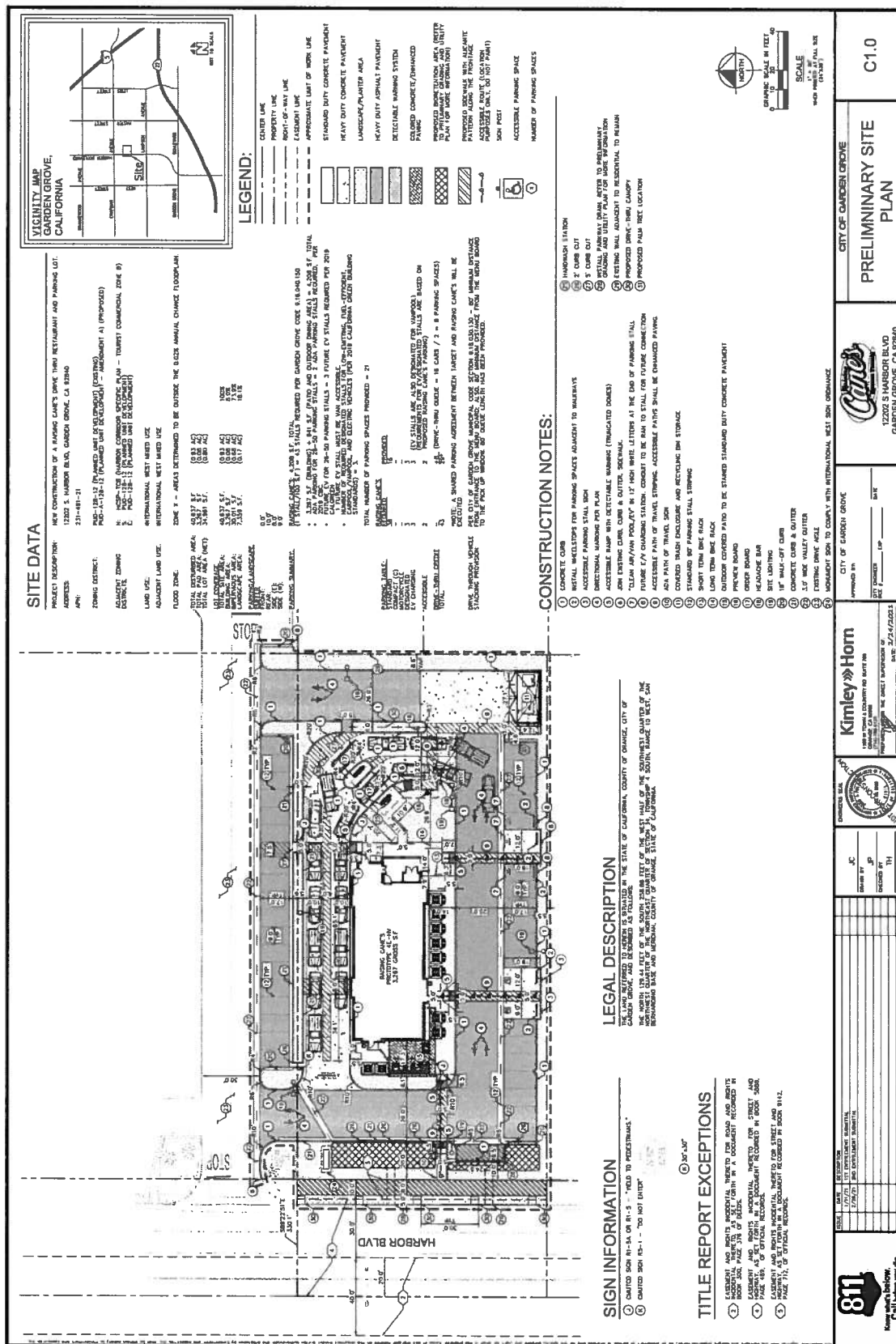


Lee Marino  
Planning Services Manager



By: Priit Kaskla  
Assistant Planner







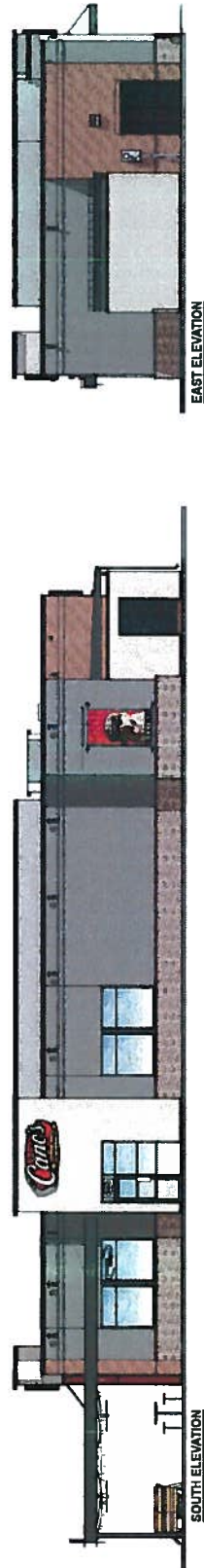




[illegible]

March 03, 2021

RC625 Garden Grove, CA (S. Harbor Blvd and W. Chapman Ave)



### MATERIAL FINISHES

EW-3	EW-4	EW-1	EW-2	EW-4	EW-5	EW-6	EW-2
HOT ROLLED STEEL W/ CHARBON MATTE POWDER COAT FINISH	RECLAIMED METAL PANEL	RED BRICK	2017 7449 SUMMIT GRAY PORTLAND CEMENT STUCCO	1/2\"/>	1/2\"/>	1/4\"/>	ALUMINUM STOREFRONT SYSTEM

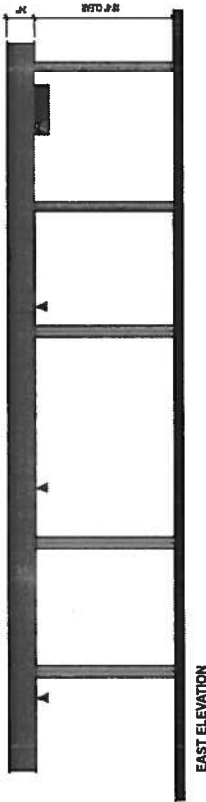
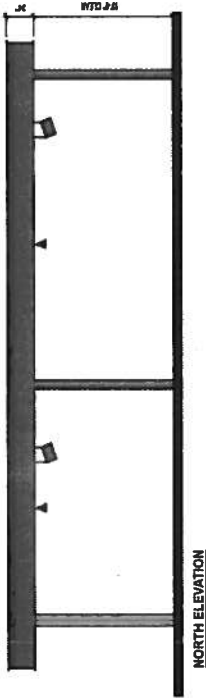
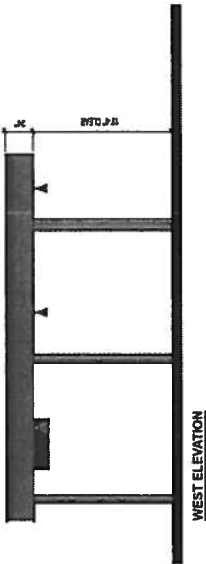
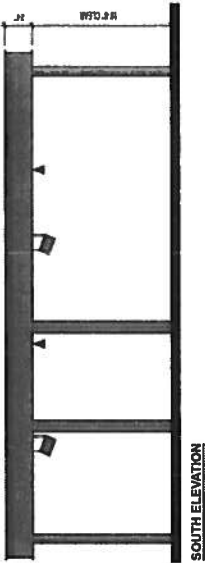
CSRS BUILDING STRONGER, SMARTER COMMUNITIES TOGETHER.

(3) 4x8 logos at 24.14 SF each, (1) 20' One Love letters (17.57 SF), (1) Red Dog Banner (32 SF) and (1) One Love Heart as Art  
Overall signage equals 121.99 SF. (Linear footage equals 129.17 FT)

GENERAL NOTES:

March 03, 2021

RC625 Garden Grove, CA (S. Harbor Blvd and W. Chapman Ave)  
Colored Drive Thru Canopy Elevations (For Reference Only)



MATERIAL FINISHES



GENERAL NOTES:

CSRS  
BUILDING STRONGER,  
SMARTER COMMUNITIES  
TOGETHER.



## RESOLUTION NO. 6022-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A) FOR A PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 231-491-21.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 6, 2021, does hereby recommend that the City Council adopt an ordinance approving Planned Unit Development No. PUD-128-12(A), for land located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-128-12(A), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Raising Cane's Restaurants, LLC.
2. The applicant requests approval of (a) an amendment to Planned Unit Development No. PUD-128-12 for a 0.83-acre lot, located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21 to create a new subarea, PUD-128-12(A), to facilitate the development of a new pad restaurant; and (b) Site Plan No. SP-099-2021 to construct a 3,267 square foot drive-thru restaurant, along with associated site improvements (collectively, the "Project").
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission hereby recommends that the City Council determine that this project is categorically exempt from CEQA pursuant to Section 15303 (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 International West Mixed Use and is currently zoned Planned Unit Development No. PUD-128-12. The subject 0.83-acre lot is currently unimproved, having been vacant since 2008.
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 May 6, 2021, 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 May 6, 2021, and considered all oral and written testimony presented regarding the project.
9. Concurrently with its adoption of this Resolution (6022-21), the Planning Commission adopted Resolution No. 6023-21 approving Site Plan No. SP-099-2021, subject to Garden Grove City Council adoption and effectiveness of an Ordinance approving Planned Unit Development subarea PUD-128-12(A). The facts and findings set forth in Resolution No. 6022-21 are hereby incorporated into this Resolution by reference.

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 9.16.030.020 and 9.32.030, are as follows:

FACTS:

The subject site is an existing 0.83-acre property located within a Planned Unit Development (PUD) located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard. The site has a General Plan Land Use Designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-128-12. Currently, the site is vacant, having last been used as a temporary sales office for the nearby Chapman Commons condominium complex.

The subject site abuts Harbor Corridor Specific Plan – Tourist Commercial “B” (HCSP-TCB) zoned properties to the north, future hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard.

In 2012, the City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 to facilitate the future development of a resort hotel development project known as the “Site C Project”. As adopted in 2012, PUD-128-12 allows for the construction of up to 769 rooms within three (3) hotels and up to 104,000 aggregate square feet of conference/banquet facilities, restaurant/entertainment uses on freestanding pads, and hotel restaurants on an aggregate approximately 5.2-acre combined site that encompasses both the subject property and the abutting properties to the east and south.

In 2013, the City of Garden Grove approved the Grove District Resort Hotel Development Agreement (DDA). The DDA provided that the City would acquire and convey approximately 4.3 acres of the combined 5.2-acre site to the developer for the “Site C Project.” The DDA gave the developer the option of acquiring the

approximately 0.83-acre property at 12202 Harbor Boulevard that is the subject the instant application at its own cost and adding it to the City-owned 4.3 acres for the "Site C Project." The "Site C Project" developer ultimately did not acquire the property, however, and it was thus not incorporated into the "Site C Project."

In 2017, the City approved Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455, and Development Agreement No. DA-008-2017 to implement the "Site C Project." These land use approvals reduced the "Site C Project" site from the original 5.2 acres to 4.3 acres to exclude the subject property. In addition, the 2017 "Site C Project" entitlements authorized the development of 100,762 aggregate square feet of combined restaurant and conference/banquet uses on that 4.3 acres, taking up nearly all of the building area allotted for such uses pursuant to PUD-128-12.

The owner of the subject property located at 12202 Harbor Boulevard now wishes to develop a 3,267 square foot pad restaurant on the site. Due to the subject site not being integrated into the Site C Project as originally contemplated in 2012, the PUD zoning for the site must be modified to facilitate its development independent of the Site C Project. Therefore, the applicant is requesting to create a new "Subarea A" of PUD-128-12, which would establish separate implementation provisions and development standards governing development on the subject site that are at least as restrictive as those approved under PUD-128-12. The subarea PUD-128-12(A) zoning would allow for the development of a pad restaurant on the subject 0.83-acre site.

The application to amend Planned Unit Development No. PUD-128-12 is being processed in conjunction with Site Plan No. SP-099-2021. If approved by the City Council, Planned Unit Development subarea PUD-128-12(A) would permit the development of the property in accordance with proposed Site Plan No. SP-099-2021.

#### FINDINGS AND REASONS:

##### Planned Unit Development:

1. The location of the buildings, architectural design, and proposed use are compatible with the character of existing development in the vicinity, and the project will be well-integrated into its setting.

The subject 0.83-acre lot is located in an area that is adjacent to Harbor Corridor Specific Plan – Tourist Commercial "B" (HCSP-TCB) zoned properties to the north, future hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard. Planned Unit Development No. PUD-128-12(A) requires Site Plan approval for all development and is being processed concurrently with Site

Plan No. SP-099-2021, which proposes the construction of a 3,267 square foot drive-thru restaurant and associated site improvements. Planned Unit Development No. PUD-128-12(A) would permit the development of the property in accordance with the proposed Site Plan (SP-099-2021) for the project.

The proposed development would improve an otherwise unused property. Planned Unit Development No. PUD-128-12 currently makes any development on the site infeasible, leaving it vacant, as it has been since 2008. The proposed "Subarea A" of PUD-128-12 will improve the property's compatibility with existing developments in the vicinity by allowing a new drive-thru pad restaurant, parking lot improvements, and landscape installations.

Pursuant to proposed Site Plan No. SP-099-2021, the new building will be situated toward the center of the lot, with setbacks of 27'-7" to the northerly property line, 53'-0" to the westerly property line along Harbor Boulevard, 67'-10" to the southerly property line, and 37'-6" to the easterly property line. Landscape planters will be provided along the perimeter of the site to ensure adequate buffering of any potential noise and light/glare impacts.

The proposed pad restaurant will provide adequate parking, vehicular and pedestrian circulation for access to and from the site, and new landscaping. The architecture and design of the building will be of sufficient quality, consistent with the developments elsewhere along Harbor Boulevard in the resort district.

2. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

Planned Unit Development No. PUD-128-12(A) requires Site Plan approval for all development and is being processed concurrently with Site Plan No. SP-099-2021, which proposes the construction of a 3,267 square foot drive-thru restaurant and associated site improvements.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing thirty foot (30'-0") driveway from Harbor Boulevard to access the shopping center site. Two (2) twenty-six foot (26'-0") wide drive aisles will provide access from the shopping center site onto the restaurant site. A Reciprocal Easement Agreement (REA) will be recorded to allow access from the restaurant site to the shopping center's parking area, and vice-versa.

The drive-thru will feature two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around the north, east, and south sides of the building, accommodating a vehicle queue of eighteen (18)

vehicles. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up on the adjacent streets and parking lots.

The required number of parking spaces for a restaurant is based on the square footage of the building. The restaurant building is 3,267 square feet in size, and the outside dining area is approximately 941 square feet. Therefore, in total, forty-three (43) parking spaces are required for the restaurant.

The subject site provides twenty-one (21) striped parking spaces. In addition to the striped parking spaces, one-half (1/2) of the vehicles that can be queued in the drive-thru count toward the parking provided on-site. As designed, the drive-thru can queue eighteen (18) cars. Therefore, the site provides a total of thirty (30) parking spaces fully on-site. The remaining parking spaces will be provided on the shopping center property to the north.

The shopping center to the north requires 688 parking spaces total, according to the Harbor Corridor Specific Plan, the applicable zoning designation for the property. In total, the shopping center and the subject property are required to provide 731 parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the shopping center site.

Additionally, a traffic impact analysis was conducted and prepared by a licensed traffic engineering firm, evaluating trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant would have significant impact on intersection of Harbor Boulevard and the primary driveway, with delays can be expected during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. With the driveway already limited to a right-turn only when exiting the site, there are no proposed mitigation measures to address these impacts.

Furthermore, the traffic impact analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. In their analysis, the highest peak drive-thru demand was found to be a vehicle queue of seventeen (17) cars. The proposed dual drive-thru queue design provides enough space for eighteen (18) cars to queue fully within the drive-thru, without spilling into the adjacent drive aisles. The proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area.

The Engineering Division Traffic Section has reviewed the plans and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets. Therefore, the design of the project will provide for a stable and desirable environment.

3. Provision is made for both public and private open spaces.

Planned Unit Development No. PUD-128-12(A) requires landscaped setbacks along Harbor Boulevard and the easterly (rear) of the property. Planned Unit Development No. PUD-128-12(A) also requires Site Plan approval for all development and is being processed concurrently with Site Plan No. SP-099-2021, which proposes the construction of a 3,267 square foot drive-thru restaurant and associated site improvements. The project has been designed in accordance with the proposed PUD and other applicable City Code provisions for providing an adequate amount of landscaping within the street setbacks and elsewhere on-site. Additionally, the proposed pad restaurant will provide amenities that include indoor and outdoor dining, and an expansive drive-thru ordering area.

4. Provision is made for the protection and maintenance of private areas reserved for common use.

Planned Unit Development No. PUD-128-12(A) requires that the overall site, inclusive of the landscaped areas and other amenities and features (e.g., water elements, irrigation systems, sculptures, street furniture, trash receptacles, common area signage, and lighting) shall be kept in proper working condition, maintained for the life of the project, and have the planted areas to be in a weed free, healthy and growing condition, with overall debris removed on regular basis.

Through the required Development Standards and conditions of approval for Site Plan No. SP-099-2021 and/or other future development, all necessary agreements for the protection and maintenance of private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the project.

5. The quality of the project achieved through the proposed Planned Unit Development zoning is greater than could be achieved under the current zoning.

Because the subject site was never integrated into the Site C Project as originally contemplated in 2012, the PUD zoning for the site must be modified to facilitate its development independent of the Site C Project. The proposed PUD amendment would place the subject property into its own PUD subarea, PUD-128-12(A), or "Subarea A." The subarea would allow for the

development of the proposed 3,267 square foot pad restaurant. It will also provide development standards that govern the design and function of any development within the subarea. If the PUD subarea is approved, the site would have a zoning designation of Planned Unit Development No. PUD-128-12(A). Seeing how the property would otherwise be vacant under the current PUD, the requested "Subarea A" will result in a greater project than what would otherwise be permissible on the property.

6. The PUD is internally consistent with the goals, objectives, and elements of the General Plan.

The General Plan Land Use Designation of the subject site is International West Mixed Use, which is intended for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination. Development shall enliven the street and embody the entertainment/resort theme. The proposed PUD subarea will be consistent with the spirit and intent of the General Plan. Goals, policies, and implementation programs of the General Plan strive, in part, to:

Goal LU-9: Creation of a tourism- and entertainment-related destination area in the City that will benefit all of the City of Garden Grove. The site is designed for both vehicle and pedestrian access. This allows for patrons in the adjacent hotels, residents in the nearby neighborhoods, and visitors to the Disneyland Resort and the Anaheim Convention Center to access the restaurant. Furthermore, the design of the site, building, and dining area is oriented toward Harbor Boulevard, contributing a sense of place to enliven the streetscape. The proposed project will further expand the City's tourism/entertainment destination, while providing easy access for residents of Garden Grove.

Policy LU-2.3: Prohibit uses that lead to deterioration of residential neighborhoods, or adversely impact the safety or the residential character of a residential neighborhood. The development standards of PUD-128-12(A) will continue to maintain minimum building setbacks, consistent with the standards approved under PUD-128-12. This will help ensure that the project has limited impacts on the residential neighborhood further to the east of the project.

Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The proposed subarea PUD-128-12(A) provides development standards that are consistent with, and at least as restrictive as those standards approved under PUD-128-12. As approved in 2012, PUD-128-12 allowed for hotel and restaurant uses; the creation of the subarea will allow for a new restaurant. The proposed PUD subarea is consistent with the surrounding land uses in PUD-128-12.

Policy LU-1.3: Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations. The subject proposal will allow for the development of a new pad restaurant. Pad restaurants are an allowable use under PUD-128-12(A). The proposed restaurant use will be compatible with the shopping center use to the north, and the proposed hotel uses to the east and south.

Policy LU-5.1: Work with property owners of vacant commercially zoned property to develop their sites into appropriate, economically viable projects. The subject site has been zoned for commercial use since the adoption of the Harbor Corridor Specific Plan, yet has remained vacant since 2008. In 2012, the creation of PUD-128-12 provided the site an opportunity to create an economically viable project. When PUD-128-12 was revised, however, all of the allowable restaurant square footage was moved elsewhere in the PUD, leaving the subject site vacant. The proposed PUD subarea is necessary to allow the development of the otherwise vacant site.

Policy LU-5.32: Encourage consolidation of parking and reciprocal access agreements between adjacent business and commercial center property owners. The proposed PUD subarea allows reciprocal access to the adjacent properties, subject to the preparation and recordation of a Reciprocal Easement Agreement (REA). Reciprocal access will limit the amount of driveways along Harbor Boulevard, helping to create a more consistent streetscape in the resort area. This will also limit the amount of parking that is required on the restaurant site as it will have access to the shopping center's surplus parking. By reducing the amount of parking on the restaurant site proper, it allows for a project with more landscaping, and other site amenities.

7. The PUD will promote the public interest, health, and welfare.

The proposed "Subarea A" will promote the public interest, health, safety, and welfare. Planned Unit Development No. PUD-128-12(A) serves the public interest by allowing for the development of a property that has been blighted or vacant for the better part of the past 30 years with a new restaurant. The creation of the PUD subarea will allow for additional pad restaurant square footage to be developed, and provide development standards for the subject 0.83-acre site. The development standards of "Subarea A" propose to facilitate the development of pad restaurants, while also maintaining compatibility with PUD-128-12. The subarea development standards are at least as restrictive as those approved under PUD-128-12. Subarea PUD-128-12(A) will be consistent with the larger PUD-128-12, as well as the International West Mixed Use land use designation, and the surrounding land uses.



The restaurant project proposed under Site Plan No. SP-099-2021 was designed with adequate vehicular circulation and access to accommodate the pad restaurant. Pedestrian access from Harbor Boulevard can contribute to a more walkable streetscape in the City's resort area. In addition, the use has been reviewed to ensure that the proposal complies with all appropriate regulations of the PUD, such as parking, and the applicable California Building Standards Code and California Green Building Standards Code requirements.

8. The subject parcel is physically suitable for the requested PUD designation, compatible with surrounding land uses, and consistent with the General Plan.

The creation of the PUD subarea will allow for additional pad restaurant square footage to be developed, and provide development standards for the subject 0.83-acre site. The development standards of "Subarea A" propose to facilitate the development of pad restaurants, while also maintaining compatibility with PUD-128-12. The subarea development standards are at least as restrictive as those approved under PUD-128-12. Subarea PUD-128-12(A) will be consistent with the larger PUD-128-12, as well as the International West Mixed Use land use designation, and the surrounding land uses.

#### 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.

1. The Planned Unit Development possesses characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.16.030.020.F (Planned Unit Development) and 9.32.030.D (Land Use Action Procedures).
2. The Planning Commission recommends that the City Council approve Planned Unit Development No. PUD-128-12(A) and adopt the draft Ordinance attached hereto as Exhibit "A".
3. The implementation provisions for Planned Unit Development No. PUD-128-12(A) are as follows:

#### **Planned Unit Development provisions and development standards**

##### A. Applicability

The following provisions and development standards shall apply to the approximately 0.83-acre property located at 12202 Harbor Boulevard, identified as Assessor's Parcel No. 231-491-21, which shall be referred to as "Subarea A" of Planned Unit Development No. PUD-128-12. Except as otherwise expressly

provided, the Planned Unit Development provisions and development standards set forth in Planning Commission Resolution No. 5779-12, adopted October 4, 2012, and as incorporated into and modified by Ordinance No. 2824, adopted November 27, 2012, as these provisions may be amended from time to time, shall not apply to "Subarea A."

B. Purpose and Intent

The purpose and intent of "Subarea A" of Planned Unit Development No. PUD-128-12 is to facilitate the development of a pad restaurant and associated pedestrian, drive-thru, and parking facilities on the subject property

C. Permitted Uses

- Restaurants with or without alcoholic beverage sales. Restaurants with alcoholic beverage sales are subject to a Conditional Use Permit.
- Restaurants with outside eating areas.
- Restaurants with entertainment shall be subject to a Conditional Use Permit.
- Any proposed use that are not listed shall be subject to an Interpretation of Use pursuant to Section 9.32.030 of the Municipal Code that shall be reviewed by the appropriate hearing body.

D. Setbacks

Minimum building setbacks for "Subarea A" shall be as follows:

1. Minimum building setback from the face of curb along Harbor Boulevard shall be twenty-one feet (21'-0"), consisting of twelve feet (12'-0") right-of-way, and nine feet (9'-0") property line setback. The area within this minimum setback area shall include a six-foot (6'-0") wide landscape parkway adjacent to the street curb, a seven-foot (7'-0") wide sidewalk, and an eight-foot (8'-0") wide landscape planter. This design will allow for palm trees to be planted along both sides of the sidewalks, along with accommodating the required canopy trees, shrubs, and ground covers.
2. Minimum building setback along the easterly (rear) property line shall be ten feet (10'-0").
3. There shall be no minimum building setback along the northerly and southerly (interior side) property lines.
4. Building elements such as structural components, architectural features, and roof projections shall not encroach into the required perimeter setback areas.

#### E. Maximum Building Height

The freestanding restaurant pads shall not exceed a height of 40 feet.

All structures are subject to any restrictions imposed by the California Building Code and Uniform Fire Code.

#### F. Landscaping

General: The site shall consist of a combination of trees, shrubs and bushes, and ground cover with the allowance for other landscape treatments such as large rocks, water elements, and unique walkway paving, and street furniture. Any area not covered by roadways, parking, walkways, and buildings, shall have landscape treatment.

Harbor Boulevard Landscape Treatment: Landscaping along Harbor Boulevard, including within the public-of-way, shall include two rows of Date Palm Trees (minimum brown trunk height of 25 feet), canopy trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue. The landscape area shall include up-lighting on the trees. All aspects and elements of the Harbor Boulevard Landscape Treatment shall be included on the required Project landscape/irrigation plans and shall be reviewed and approved by the City prior to the beginning of site construction. The Community and Economic Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.

Landscape Plan: A detailed landscape plan, complying with the landscaping requirements of Title 9 of the Municipal Code, including the Landscape Water Efficiency Guidelines, shall be prepared and approved by the Community and Economic Development Director, or his or her designee, prior to site construction. The plan shall be detailed to show all plant material, water elements, pathways, and other landscape treatments. The landscape plan shall be the basis of how the site is to be developed and maintained for the life of the project. Should changes need to occur, revisions, renovations, or changes to the landscaping shall be reviewed by the Community and Economic Development Director, or his or her designee to ensure the aesthetics are maintained concerning this element of the overall project. All landscaping shall be watered by means of an automatic irrigation system meeting the City's Landscape Water Efficiency Guideline requirements. A separate landscape application will be submitted, and a building permit will be obtained for the proposed landscaping.

The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off, also identified as Low Impact Development provisions, which address water run-off. This is to also to be inclusive

of any applicable Water Quality Management Plan (WQMP), the Orange County Drainage Area Management Plan (DAMP) and any other water conservation measures applicable to this type of development.

Landscaping will be provided within the project site, as well as along Harbor Boulevard. The landscape treatment along Harbor Boulevard will include a double row of palm trees with canopy trees, shrubs, and ground cover that complies with the landscape treatment for Harbor Boulevard.

The property owner shall be responsible for all installation and long-term maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to any landscaping, sidewalk, curb and pavement of the site, and shall extend to the public right-of-way. All planting areas are to be kept free of weeds, debris, and graffiti.

#### J. Boundary

The site's boundary for maintenance, landscaping, and improvements is that area around the project site that is to the property line along adjacent properties and where the project is adjacent to public right-of-way, the boundary shall extend to the curb of each street respectively.

#### H. Maintenance

The overall site, inclusive of the landscaped areas and other amenities and features (e.g., water elements, irrigation systems, sculptures, street furniture, trash receptacles, common area signage, and lighting) shall be kept in proper working condition, maintained for the life of the project, and have the planted areas to be in a weed free, healthy and growing condition, with overall debris removed on regular basis.

#### I. Parking Areas and Requirements

Development within "Subarea A" shall comply with the minimum required parking as calculated below:

1. Restaurants shall be calculated at one (1) parking space per 100 square feet of gross floor area.
2. Outdoor dining areas associated with a restaurant shall be calculated at one (1) parking space per 100 square feet of dining area.
3. Parking for other uses shall comply with the parking requirements of Section 19.16.040.150 of Title 9 of the Municipal Code.

Shared parking across adjacent property lines is permitted, subject to the preparation and recordation of a Reciprocal Access Agreement (REA), or similar document, acceptable to the Community and Economic Development Director and City Attorney.

J. Signs and Graphic Standards

All sign calculations for commercial businesses shall be calculated per 9.20 of Title 9 of the Municipal Code the C-1 zone. Signs may be mounted flush with the wall surface or perpendicular to the wall (blade sign).

All common area signs, directional signs, and kiosk type signs shall be uniform in lettering, material, and coloring.

All freestanding monument signs shall be adhere to the provisions within the Harbor Boulevard Sign Overlay Program Guide.

K. Utilities

All utility lines shall be underground or placed in locations as to be concealed from view. This includes gas and electrical lines and conduit, Cable TV, and telephone lines and conduit, and any other utility or service lines, including water pipes for domestic use and fire sprinkler systems.

L. Storage and Refuse Collection

All staging and storage areas for all the businesses on site shall be provided within their respective tenant space. No outside storage area shall be provided, nor shall there be any outside storage of goods or merchandise at any time. The site may create designated staging areas (loading/unloading) for general deliveries of goods sold on the site, but maintained as such to not create hindrances to vehicle or pedestrian traffic or create restrictions for emergency vehicles or emergency access.

Refuse storage and collection areas shall be provided and subject to both Garden Grove Sanitation District (GGSD), and GGSD contracted solid waste handler/hauler approval, and be subject to applicable building and fire codes.

M. Absence of Provisions and Standards

Any matters pertaining to the development or occupancy or operation of the subject site that is not listed or expressly provided for herein shall be subject to the provisions and development standards of the City's Municipal Code, inclusive. This would include, but not be limited to, undergrounding all existing and new utilities serving the site, complying with all Building, Fire, and Development Codes, and paying all related fees, bonds, and other associated costs.

N. Development Plans

All development on the site shall be subject to approval of applicable entitlements in accordance with Chapters 9.32 and 9.40 of the Municipal Code. All pad buildings shall require the approval of a Site Plan.

Adopted this 6th day of May 2021

ATTEST:

/s/ DAISY PEREZ  
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 May 6, 2021, by the following vote:

AYES:	COMMISSIONERS:	(6)	ARESTEGUI, LEHMAN, LINDSAY, PEREZ, RAMIREZ, SOEFFNER
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	CUNNINGHAM

/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 May 27, 2021.

## RESOLUTION NO. 6023-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-099-2021, FOR A PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 231-491-21.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 6, 2021, does hereby approve Site Plan No. SP-099-2021, for land located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21, subject to (i) the Conditions of Approval attached hereto as "Exhibit A"; and (ii) adoption and effectiveness of an Ordinance by the Garden Grove City Council approving Planned Unit Development subarea PUD-128-12(A).

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-099-2021, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Raising Cane's Restaurants, LLC.
2. The applicant requests approval of (a) an amendment to Planned Unit Development No. PUD-128-12 for a 0.83-acre lot, located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21 to create a new subarea, PUD-128-12(A), to facilitate the development of a new pad restaurant; and (b) Site Plan No. SP-099-2021 to construct a 3,267 square foot drive-thru restaurant, along with associated site improvements (collectively, the "Project").
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission hereby determines that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversions of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. Concurrently with its adoption of this Resolution (6023-21), the Planning Commission adopted Resolution No. 6022-21 recommending that the City Council approve Planned Unit Development No. PUD-128-12(A). The facts and findings set forth in Resolution No. 6022-21 are hereby incorporated into this Resolution by reference.
5. The property has a General Plan Land Use designation of International West Mixed Use and is currently zoned PUD-128-12 (Planned Unit Development). The subject 0.83-acre lot is currently unimproved, having been vacant since 2008.

6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on May 6, 2021, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of May 6, 2021, 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 9.32.030, are as follows:

FACTS:

The subject site is an existing 0.83-acre property located within a Planned Unit Development (PUD) located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane. The site has a General Plan Land Use Designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-128-12. Currently, the site is vacant, having last been used as a temporary sales office for the nearby Chapman Commons condominium complex.

The subject site abuts Harbor Corridor Specific Plan – Tourist Commercial “B” (HCSP-TCB) zoned properties to the north, future hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard.

The project will consist of constructing a new 3,267 square foot drive-thru Raising Cane’s fast-food restaurant on an existing 0.83-acre property. The pad restaurant will be located toward the center of the site, with parking, drive-thru lanes, and landscaping surrounding the building on all sides. The interior of the restaurant will feature a dining area, a service area, and a kitchen area. An outdoor dining area is provided along the west and south sides of the building.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing driveway from Harbor Boulevard to access the shopping center site. Two drive aisles will provide access from the shopping center site onto the restaurant site.

The drive-thru will feature two queuing lanes. An awning structure will shelter the menu boards and drive-thru ordering area. A drive-thru pay window and an order



pick-up window are on the north side of the building. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars queued in the adjacent parking lot. The design of the building will also provide new pedestrian access from Harbor Boulevard.

The required number of parking spaces for a restaurant is based on the square footage of the building and outdoor dining area. In total, forty-three (43) parking spaces are required for the restaurant. The subject site provides a total of thirty (30) parking spaces fully on-site. The remaining thirteen (13) parking spaces will be provided on the shopping center property to the north.

The shopping center property to the north is required to have 688 parking spaces total. Combined, the shopping center and the subject property are required to provide 731 total parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the two sites combined.

A traffic impact analysis was also conducted and prepared. Based on the results of the traffic impact analysis, the proposed restaurant project would have a significant impact the intersection of Harbor Boulevard and the primary driveway during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. Furthermore, the traffic analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. According to the study, the proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area.

Landscaping to the interior of the site will be of sufficient variety and design to accentuate and enhance the development. The proposed site design will provide a total of approximately 7,359 square feet of landscaping on-site (18% of the overall site). The landscaping is provided in a variety of areas across the site, including adjacent to the drive-thru and parking areas so as to limit their visual impacts.

Along the westerly property line adjacent to Harbor Boulevard, the project will provide landscaping to match the existing Grove District landscaping treatment. The landscaping treatment applies to both the parkway within the public right-of-way, and within the subject site. The visual identity of the street-front landscaping will be consistent with the rest of the resort district.

The architecture of the proposed building will be compatible with the nearby buildings along Harbor Boulevard. Characterized by a boxy footprint, flat roof, and large windows along Harbor Boulevard, the store takes on a contemporary design. At the highest point, the building will be within the maximum height for PUD-128-12(A). The earthy color scheme has similarities to the restaurant's other

locations. Bright red signage will accent the neutral tones of the building's overall color scheme.

#### 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 is consistent with the General Plan.

The General Plan Land Use Designation of the subject site is International West Mixed Use, which is intended for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination. Development shall enliven the street and embody the entertainment/resort theme. The proposed PUD subarea will be consistent with the spirit and intent of the General Plan. Goals, policies, and implementation programs of the General Plan strive, in part, to:

Goal LU-9: Creation of a tourism- and entertainment-related destination area in the City that will benefit all of the City of Garden Grove. The site is designed for both vehicle and pedestrian access. This allows for patrons in the adjacent hotels, residents in the nearby neighborhoods, and visitors to the Disneyland Resort and the Anaheim Convention Center to access the restaurant. Furthermore, the design of the site, building, and dining area is oriented toward Harbor Boulevard, contributing a sense of place to enliven the streetscape. The restaurant was designed to contribute to the overall sense of place in the Grove District resort area.

Policy LU-2.3: Prohibit uses that lead to deterioration of residential neighborhoods, or adversely impact the safety or the residential character of a residential neighborhood. The development meets all of the development standards of the PUD subarea, and Garden Grove Municipal Code, as applicable. This includes the maximum building height, the minimum setbacks, landscaping requirements, and the minimum parking requirements. Adherence to these development standards will help ensure that the project has limited impacts on the residential neighborhood to the east of the project.

Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The subject site is in an urbanized area with multiple commercial developments. PUD-128-12(A) allows for restaurant uses; the development of a pad restaurant building will be consistent with the allowable uses of the PUD subarea. The proposed restaurant use is consistent with the hotels, entertainment, and retail uses on the adjoining properties.

Policy LU-1.3: Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations. The subject proposal will allow for the development of a 3,267 square foot drive-thru restaurant. Restaurants are an allowable use under PUD-128-12(A). The proposed restaurant use will be compatible with the shopping center use to the north, and the proposed hotel uses to the south.

Policy LU-5.1: Work with property owners of vacant commercially zoned property to develop their sites into appropriate, economically viable projects. The subject site has been vacant since 2008. The proposed project would develop an otherwise vacant site.

Policy LU-5.32: Encourage consolidation of parking and reciprocal access agreements between adjacent business and commercial center property owners. The proposed drive-thru pad restaurant will incorporate reciprocal access to the shopping center parking lot to the north. Reciprocal access will limit the amount of driveways along Harbor Boulevard, helping to create a more walkable environment. This will also limit the amount of parking that is required on the restaurant site as it will have access to the shopping center's surplus parking.

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.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing thirty foot (30'-0") driveway from Harbor Boulevard to access the shopping center site. Two (2) twenty-six (26'-0") wide drive aisles will provide access from the shopping center site onto the restaurant site. A Reciprocal Easement Agreement (REA) will be recorded to allow access from the restaurant site to the shopping center's parking area, and vice-versa.

The drive-thru will feature two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around the north, east, and south sides of the building. Entering the queue from the south, patrons will reach a menu board on the east side of the building. A pay window and an order pick-up window are on the north side of the building. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up on the adjacent streets and parking lots.

The design of the building will also provide new pedestrian access from Harbor Boulevard. The accessible path of travel will cross a drive aisle before reaching the front of the restaurant. This pedestrian access also connects to

the accessible parking spaces in the southern parking lot area. Providing pedestrian access can help activate the Harbor Boulevard corridor.

The required number of parking spaces for a restaurant is based on the square footage of the building. PUD-128-12(A) requires that restaurants provide one (1) parking space per 100 square feet of building area. Outside seating areas are also parked at a ratio of one (1) parking space per 100 square feet of building area. The restaurant building is 3,267 square feet in size, and the outside dining area is approximately 941 square feet. Therefore, in total, 43 parking spaces are required for the restaurant.

The subject site provides twenty-one (21) striped parking spaces. In addition to the striped parking spaces, one-half (1/2) of the vehicles that can be queued in the drive-thru count toward the parking provided on-site. As designed, the drive-thru can queue eighteen (18) cars. Therefore, the site provides a total of thirty (30) parking spaces fully on-site. The remaining thirteen (13) parking spaces will be provided on the shopping center property to the north.

The required number of parking spaces for the shopping center is based on the square footage, and the uses on the property. The Harbor Corridor Specific Plan, the zoning for the center, requires one (1) parking space per 225 square feet of retail floor area for integrated shopping centers larger than one acre. An additional twenty-six (26) parking spaces is required for the car wash. The on-site retail uses require 662 parking spaces. Combined with the twenty-six (26) spaces required for the car wash, the property is required to have 688 parking spaces total.

In total, the shopping center and the subject property are required to provide 731 combined parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the two sites combined.

Additionally, a traffic impact analysis was conducted and prepared by a licensed traffic engineering firm, evaluating trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant would have significant impact on intersection of Harbor Boulevard and the primary driveway, with delays expected during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. With the driveway already limited to a right-turn only when exiting the site, there are no proposed mitigation measures to address these impacts.

Consistent with the PUD requirements, a traffic impact analysis was conducted and prepared by a licensed traffic engineering firm, evaluating trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant project would have significant impact on only one intersection. At the intersection of Harbor Boulevard and the primary driveway, a significant impact on traffic can be expected during PM hours for vehicles attempting to leave the site. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles.

Furthermore, the traffic impact analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. In their analysis, the highest peak drive-thru demand was found to be a vehicle queue of seventeen (17) cars. The proposed dual drive-thru queue design provides enough space for eighteen (18) cars to queue fully within the drive-thru, without spilling into the adjacent drive aisles. The proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area.

The Engineering Division has reviewed the plans and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets. The design of the project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and vehicular and pedestrian access.

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

The streets in the area are adequate to accommodate the development. Existing utilities and drainage channels in the area are adequate to accommodate the development. The proposed development will install and maintain landscaping, allowing adequate drainage of storm water. Landscaping will also be added along Harbor Boulevard, continuing the resort area landscape treatment. A preliminary water quality management plan (WQMP) has been reviewed and approved by the Engineering Division. The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

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

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval and mitigation measures to minimize any adverse impacts, and to ensure the project will not adversely

impact the Public Works Department's ability to perform its required function(s).

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

The subject 0.83-acre lot is located in an area that is adjacent to retail uses in the Harbor Corridor Specific Plan – Tourist Commercial “B” (HCSP-TCB) zoned properties to the north, proposed hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard.

The proposed development would improve an otherwise unused property, making it more compatible with the surrounding neighborhood. Architecturally, the restaurant has been designed with facades to be aesthetically complimentary with the rest of Harbor Boulevard resort district. A variety of colors, materials, and massing help create visual intrigue. Contemporary architectural styles are compatible with the nearby hotels, and other tourist/commercial facilities.

The proposed pad restaurant will provide adequate parking, vehicular and pedestrian circulation for access to and from the site, and new landscaping. The architecture and design of the project will be of sufficiently high quality, consistent with the developments elsewhere along Harbor Boulevard in the resort area.

The project has been designed in accordance with PUD-128-12(A), and Municipal Code development standards. In particular, the project complies with the: minimum lot sizes, setbacks, parking, landscaping area, and maximum building height requirements. The City’s Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure physical, functional, and visual compatibility with the project’s surroundings.

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 proposed pad restaurant will provide adequate parking, vehicular and pedestrian circulation for access to and from the site, and new landscaping. The architecture and design of the building will be of sufficiently high quality, consistent with the developments elsewhere along Harbor Boulevard in the resort district.

The new building will be situated toward the center of the lot, with setbacks of 27'-7" to the northerly property line, 53'-0" to the westerly property line along Harbor Boulevard, 67'-10" to the southerly property line, and 37'-6" to the easterly property line. Landscape planters will be provided along the perimeter of the site to ensure adequate buffering of any potential noise and light/glare impacts. A total of 7,359 square feet of landscaping will be provided on-site (18% of the overall lot area).

The City's Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure the attractiveness of the on-site landscaping and other amenities.

#### 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 justify the request in accordance with Municipal Code Section 9.32.030.D.3 (Site Plan).
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-099-2021.
3. This approval of Site Plan No. SP-099-2021 shall be contingent upon City Council adoption and effectiveness of an ordinance approving Planned Unit Development subarea PUD-128-12(A) by the Garden Grove City Council.

Adopted this 6th day of May 2021

ATTEST:

/s/ DAISY PEREZ  
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 May 6, 2021, by the following vote:

AYES:	COMMISSIONERS:	(6)	ARESTEGUI, LEHMAN, LINDSAY, PEREZ, RAMIREZ, SOEFFNER
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	CUNNINGHAM

/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 May 27, 2021.



## **EXHIBIT "A"**

### **Site Plan No. SP-099-2021**

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record against the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Raising Cane's Restaurant LLC, the developer of the project, the current owner of the Property, the future 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-099-2021.
2. Approval of Site Plan No. SP-099-2021 shall be contingent upon City Council adoption of an ordinance approving Planned Unit Development subarea PUD-128-12(A), and 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. All implementation provisions and development standards for Planned Unit Development No. PUD-128-12(A) shall apply for the life of the project.
3. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications, to the project and/or these Conditions of Approval, determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

**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. 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 and street improvement plans.
8. Prior to issuance of a grading permit, the applicant shall obtain a "Letter of Permission for Encroachment and/or Temporary Work" from the adjacent property where project matchup will need to occur.
9. 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, infiltration and stormwater treatment structures, and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability, and groundwater levels. Requirements for any "dewatering" will also need to be addressed in the report.
10. A separate street permit is required for work performed within the public right-of-way.
11. Grading and 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 thirty feet (30'-0") 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. All improvements within the public right-of-way shall conform to all format and design requirements of the City Standard Drawings & Specifications. Special features, such as decorative pavers or other improvements, may be required

to have an agreement prepared between the owner and the city to cover any encroachment limitations, responsibilities and maintenance requirements.

12. The grading/horizontal control plan shall provide an approximately eighty feet (80'-0"), or four vehicles lengths, between the service window and order board, and an additional eighty feet (80'-0"), or four vehicle lengths, of queuing distance behind the order board in conformance with the queuing requirements of City of Garden Grove Standard Plan B-312.
13. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
14. The grading and street improvement plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and Section 1110A of the California Building Code.
15. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, shall have wheel stops in order to prevent vehicle overhang into sidewalk. A minimum six foot (6'-0") wide sidewalk is required for parking spaces that are utilizing elevated sidewalk curb face as a wheel stop, and must maintain a four foot (4'-0") minimum from the overhang of the vehicle bumper for ADA pathway.
16. 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.
17. 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.
18. 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 the 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 WQMPs are available on-site.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
19. 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.
  - h. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
  - i. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.
  - j. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
20. 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. The applicant and their contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced, or where new ramps are installed. The applicant and their contractor shall be liable for, at their expense, any resurvey required due to their negligence in protecting existing ties, monuments, benchmarks, or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).

21. 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:
  - a. 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.
22. The applicant shall identify a temporary parking site(s) for construction crew prior to issuance of a grading permit. No construction parking is allowed on local streets.
23. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
24. 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.
25. Any required lane closures should occur outside of peak travel periods.
26. Construction vehicles shall be parked off traveled roadways in designated parking.
27. Prior to the issuance of a grading permit, the applicant shall record a reciprocal access and easement agreement, or similar document, ("REA"), in a form approved by the City Attorney, providing for reciprocal access and parking between the subject site and the shopping center property to the north of the subject site. Said REA shall remain in place for the life of the project and shall not be amended or terminated with the written approval of the City of Garden Grove Community and Economic Development Director.
28. 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 City of Garden Grove Standard B-209. Storm drain lateral pipe connections within the City right-of-way shall be RCP with a minimum diameter of eighteen inches (18"). BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
29. The applicant shall remove the existing landscaping within the sidewalk area along Harbor Boulevard, and construct street frontage improvements as identified below. All landscape, sidewalk, and lighting improvements installed

within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Services Division. Separate street improvement plans shall be prepared for Harbor Boulevard and submitted to the Engineering Division for improvements within the City right-of-way.

Harbor Boulevard

- a. The applicant shall remove the existing sidewalk on Harbor Boulevard along the property frontage and construct an eight foot (8'-0") decorative "Alicante" patterned sidewalk per City Standard Plan B-137, consistent with the existing sidewalk in the Harbor Boulevard resort area, in a manner meeting the approval of the City Engineer. Said sidewalk shall be separated from the street curb by a five-foot (5'-0") landscaped area designed in a manner consistent with the existing landscaping within the resort area, meeting the approval of the Planning Services Division.
- b. The applicant shall remove the existing southerly substandard driveway approach, parkway drain, and existing landscaping on Harbor Boulevard, and construct new curb, gutter, landscaping, and sidewalk per approved street improvement plan.
- c. Construct an eight inch (0'-8") curb and gutter, replacing the southerly driveway approach along the property frontage at forty-seven feet (47'-0") from the centerline in accordance with City Standard Plan B-113 (Type C-8 Modified).
- d. Two new wheelchair ramps and landings shall be constructed per latest Caltrans Standard Plan A88A at the northwest drive approach on Harbor Boulevard.
- e. The applicant shall cold mill (grind) existing asphalt pavement three inch (0'-3") uniform depth and replace with three inches (0'-3") of fiber reinforced asphalt surface course from the edge of the easterly gutter to the median along the property frontage per City specifications and the direction of the City Engineer.
- f. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in the sidewalk/landscape area on Harbor Boulevard with the Planning Services Division and the Water Services Division.
- g. Any proposed new landscaping in the public right-of-way shall be approved by the Planning Services Division and the Public Works Streets Division.

**Public Works Environmental**

30. The trash enclosure area shall be in compliance with Assembly Bill Nos. AB 341 and AB 1826 for food waste containers.
31. The applicant shall install and maintain a new grease interceptor device.
32. The applicant shall comply with all applicable Construction Waste Management Plan (CWMP) requirements.
33. The applicant shall incorporate all applicable bio-retention best management practices (BMPs) in accordance with the National Pollutant Discharge Elimination System (NPDES).

**Orange County Fire Authority**

34. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.
35. The applicant shall record an easement from the property owner of the shopping center property to the north to the benefit of the City of Garden Grove, for the purpose of emergency access to the Raising Cane's Restaurant property to the south. The easement shall be copied onto the fire master plan, regardless if the properties have the same owner or different owners.

**Building and Safety Division**

36. The project shall comply with all applicable requirements of the 2019 CA Standards Code at the time of project submittal.
37. A Soils Investigation Report complying with CBC Chapter 18 shall be submitted at the time of building construction plan check submittal to the City.
38. A roof solar-ready zone shall comply with the 2019 CA Energy Efficiency Standards.
39. Future electric charging stalls and chargers shall comply with CBC Section 11B-812. Additionally, E.V. chargers shall be located on an accessible route.
40. Interior and exterior doors shall have level landings on both side, per CBC 11B-404.



**Water Services Division**

41. New water service installations two inches (0'-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 three inches (0'-3") and larger, shall be installed by developer/owner's contractor per City Standards.
42. Water service for commercial meter shall connect to the twelve inch (12") water main across Harbor Blvd. Fire service shall also connect to the twelve inch (12") water main.
43. Fire service and water service are to maintain a minimum twelve inch (12") separation, outside of pipe to outside of pipe, from all non-potable water lines (sewer, storm drain etc.) and cross on top of said lines. Any exception from above will require approval from the State Water Resources Control Board, unless otherwise approved by the City.
44. Water meters shall be located within the City right-of-way. Fire services and large water services three inches (0'-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 inspection.
45. 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.
46. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
47. A composite utility site plan shall be part of the water plan approval.
48. Fire service and any fire hydrant lateral 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 Services Division.

49. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
50. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
51. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to environmental services for review.
52. 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.
53. 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.
54. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be six inch (0'-6") minimum diameter, extra strength VCP with wedgelock joints. New sewer lateral may connect to existing eight inch (0'-8") sewer main closest to the project.
55. 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. Only one sewer connection per lot is allowed.
56. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum twelve inches (12") below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
57. If water main is exposed during installation of sewer lateral, a twenty foot (20'-0") section of the water main shall be replaced with twenty foot (20'-0")

PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing.

**Planning Services Division**

58. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 8:00 a.m., seven (7) days a week.
59. 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.
60. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
61. 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.
62. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
63. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
64. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
65. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit. Any new monument sign shall comply with the Harbor Boulevard Sign Overlay Program Guide.

66. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Chapter 8.47 as adopted, except that:
  - 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 same hours, but subject to noise restrictions as stipulated in Chapter 8.47 of the Municipal Code.
67. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, and use of low-sodium parking lot lights, and to ensure compliance with Title 24.
68. 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.
69. 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.
70. 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, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
71. Building color and material samples shall be submitted to the Planning Services Division for review and approval prior to issuance of building permits.
72. 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 Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting.
73. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:

- a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
  - b. Property owners, employees, and business operators shall not store vehicles anywhere on the site.
  - c. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
  - d. The property owner shall comply with the adopted City Noise Ordinance.
74. All landscaping shall be consistent with the landscape requirements of the Landscape Water Efficiency Guidelines (Appendix A), per Title 9 of the Municipal Code, and also the landscaping theme for Harbor Boulevard/International West Resort Area. The applicant shall submit a separate and complete Water Efficient Landscape Plan for each property. The water efficient landscape submittals shall include landscape plans, irrigation plans, soils report, grading plans, and all other applicable documentation. The landscape plans shall include type, size, location, and quantity of all plant material. The landscape plans are also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plans. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The plans shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
  - c. Landscaping along Harbor Boulevard, including within the public-of-way, shall include two rows of Date Palm Trees (minimum brown trunk height of twenty-five feet (25'-0")), Chinese Flame Trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue unless the City adopts a landscape design for Harbor Boulevard. The Community and Economic Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.

- d. The landscape lighting and associated equipment, along Harbor Boulevard, including within the public-of-way, shall match the designs used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue. The applicant shall be responsible for installing and maintaining all landscape lighting.
  - e. Landscape treatments and irrigation shall be installed within the front, side, and rear setback areas of the property. The landscaping shall incorporate a mixture of ground cover, flowerbeds, shrubs, and trees. The Community and Economic Development Department shall review the type and location of all proposed trees.
  - f. The applicant shall be responsible for all installation and permanent maintenance of all landscaping on the property. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
  - g. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plans in order to ensure proper screening.
  - h. The landscape plans shall incorporate and maintain, for the life of the project, means and methods to address water run-off, also identified as Low Impact Development (LID) provisions which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP), and any other water conservation measures applicable to this type of development.
75. 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.
76. A copy of the resolution, including the conditions approving Site Plan No. SP-099-2021, shall be kept on the premises at all times.
77. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-099-2021, and his/her agreement with all conditions of approval.
78. 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-128-12(A) and/or Site Plan No. SP-099-2021. 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.

79. In accordance with Garden Grove Municipal Code Sections 9.32.160, the rights granted pursuant to Site Plan No. SP-099-2021 shall be valid for a period of one (1) year from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-099-2021 shall become null and void if the subject development and 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. In the event construction of the project is commenced but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-099-2021 shall expire if the building permits for the project expire.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A) AND SITE PLAN NO. SP-099-2021 FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD.

Applicant: RAISING CANE’S RESTAURANTS, LLC

Date: May 6, 2021

Request: To amend Planned Unit Development No. PUD-128-12 to create a new sub-area, PUD-128-12(A), to facilitate the development of a new 3,267 square foot pad restaurant. Also, Site Plan approval to construct a 3,267 square foot drive-thru Raising Cane’s Restaurant, along with associated improvements on a vacant property. The site is in the PUD-128-12 Planned Unit Development Zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061 - Common Sense and 15303 – New Construction or Conversion of Small Structures.

Action: Resolution Nos. 6022-21 (PUD) and 6023-21 (SP) were approved.

Motion: Soeffner Second: Arestegui

Ayes: (6) Arestegui, Lehman, Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

Absent: (1) Cunningham





PROJECT DESCRIPTION:	NEW CONSTRUCTION OF A RAISING CANE'S DRIVE THRU RESTAURANT AND PARKING LOT.
ADDRESS:	12202 S. HARBOR BLVD, GARDEN GROVE, CA 92840
APN:	231-491-21
ZONING DISTRICT:	PUD-128-12 (PLANNED UNIT DEVELOPMENT) (EXISTING) PUD-A-128-12 (PLANNED UNIT DEVELOPMENT - AMENDMENT A) (PROPOSED)
ADJACENT ZONING DISTRICTS:	N: HCSP-TCB (HARBOR CORRIDOR SPECIFIC PLAN - TOURIST COMMERCIAL ZONE B) S: PUD-128-12 (PLANNED UNIT DEVELOPMENT) E: PUD-128-12 (PLANNED UNIT DEVELOPMENT)
LAND USE:	INTERNATIONAL WEST MIXED USE
ADJACENT LAND USE:	INTERNATIONAL WEST MIXED USE
FLOOD ZONE:	ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.02% ANNUAL CHANCE FLOODPLAIN.

TOTAL DISTURBED AREA:	40,637 S.F.	(0.93 AC)
TOTAL PAD AREA:	3,267 S.F.	(0.08 AC)
TOTAL LOT AREA (NET):	34,961 S.F.	(0.80 AC)
<b>LOT COVERAGE</b>		
TOTAL SITE AREA:	40,637 S.F.	(0.93 AC)
BUILDING AREA:	3,267 S.F.	(0.08 AC)
IMPERVIOUS AREA:	30,011 S.F.	(0.68 AC)
LANDSCAPE AREA:	7,359 S.F.	(0.17 AC)

PARKING/LANDSCAPE  
BUFFER  
FRONT:  
REAR:  
SIDE (E):  
SIDE (W):

PARKING SUMMARY:

RAISING CANE'S: 4,208 S.F. TOTAL  
(1 STALL/100 S.F.) = 43 STALLS REQUIRED PER GARDEN GROVE CODE 9.16.040.150

- 3,267 S.F. (BUILDING) + 941 S.F. (PATIO AND OUTDOOR DINING AREA) = 4,208 S.F. TOTAL
- ADA PARKING FOR 26-50 PARKING STALLS = 2 ADA PARKING STALLS REQUIRED, PER 2019 CBC.
- FUTURE EV FOR 26-50 PARKING STALLS = 3 FUTURE EV STALLS REQUIRED PER 2019 CALGREEN
- 1 FUTURE EV STALL MUST BE VAN ACCESSIBLE.
- NUMBER OF REQUIRED DESIGNATED STALLS FOR LOW-EMITTING, FUEL-EFFICIENT, CARPOOL/VANPOOL, AND ELECTRIC VEHICLES (PER 2019 CALIFORNIA GREEN BUILDING STANDARDS) = 3.

TOTAL NUMBER OF PARKING SPACES PROVIDED = 21

<u>RAISING CANE'S</u>	
<u>REQUIRED</u>	<u>PROVIDED</u>
38	16
—	—
—	—
3	3
3	3
	(EV STALLS ARE ALSO DESIGNATED FOR VANPOOL)
	(REQUIREMENTS FOR EV/DESIGNATED STALLS ARE BASED ON
2	2 PROPOSED RAISING CANE'S PARKING)
<u>43</u>	<u>+8</u> (DRIVE—THRU QUEUE = 16 CARS / 2 = 8 PARKING SPACES)
29*	


\*NOTE: A SHARED PARKING AGREEMENT BETWEEN TARGET AND RAISING CANE'S WILL BE EXECUTED.

DRIVE THROUGH VEHICLE PER CITY OF GARDEN GROVE MUNICIPAL CODE SECTION 9.18.030.130 - 80' MINIMUM DISTANCE  
STACKING PROVISION: FROM ENTRANCE TO THE MENU BOARD; ALSO, 80' MINIMUM DISTANCE FROM THE MENU BOARD  
TO THE PICK UP WINDOW. 80' QUEUE LENGTH HAS BEEN PROVIDED.

### CONSTRUCTION NOTES:

- |    |  |    |   |
|----|--|----|---|
| 1  | CONCRETE CURB  | 25 | HANDWASH STATION  |
| 2  | INSTALL WHEELSTOPS FOR PARKING SPACES ADJACENT TO WALKWAYS                     | 26 | 2' CURB CUT   |
| 3  | ACCESSIBLE PARKING STALL SIGN  | 27 | 5' CURB CUT   |
| 4  | DIRECTIONAL MARKING PER PLAN   | 28 | INSTALL PARKWAY DRAIN. REFER TO PRELIMINARY GRADING AND UTILITY PLAN FOR MORE INFORMATION |
| 5  | ACCESSIBLE RAMP WITH DETECTABLE WARNING (TRUNCATED DOMES)                      | 29 | EXISTING WALL ADJACENT TO RESIDENTIAL TO REMAIN   |
| 6  | JOIN EXISTING CURB, CURB & GUTTER, SIDEWALK.                                   | 30 | PROPOSED DRIVE-THRU CANOPY  |
| 7  | "CLEAN AIR/VAN POOL/EV" IN 12" HIGH WHITE LETTERS AT THE END OF PARKING STALL  | 31 | PROPOSED PALM TREE LOCATION   |
| 8  | FUTURE E/V CHARGING STATION. CONDUIT TO BE RAN TO STALL FOR FUTURE CONNECTION  |    |   |
| 9  | ACCESSIBLE PATH OF TRAVEL STRIPING. ACCESSIBLE PATHS SHALL BE ENHANCED PAVING. |    |   |
| 10 | ADA PATH OF TRAVEL SIGN  |    |   |
| 11 | COVERED TRASH ENCLOSURE AND RECYCLING BIN STORAGE                              |    |   |
| 12 | STANDARD 90° PARKING STALL STRIPING.   |    |   |
| 13 | SHORT TERM BIKE RACK   |    |   |
| 14 | LONG TERM BIKE RACK  |    |   |
| 15 | OUTDOOR COVERED PATIO TO BE STAINED STANDARD DUTY CONCRETE PAVEMENT            |    |   |
| 16 | PREVIEW BOARD  |    |   |
| 17 | ORDER BOARD  |    |   |
| 18 | HEADACHE BAR   |    |   |
| 19 | SITE LIGHTING  |    |   |
| 20 | 18" WALK-OFF CURB  |    |   |
| 21 | CONCRETE CURB & GUTTER   |    |   |
| 22 | 3.0' WIDE VALLEY GUTTER  |    |   |
| 23 | EXISTING DRIVE AISLE   |    |   |
| 24 | MONUMENT SIGN TO COMPLY WITH INTERNATIONAL WEST SIGN ORDINANCE                 |    |   |

## SIGN INFORMATION

- (K) CMUTCD SIGN R5-1 - "DO NOT ENTER" 



(K) 30"x30"

## TITLE REPORT EXCEPTIONS

- |   |  |
|---|--|
| 2 | EASEMENT AND RIGHTS INCIDENTAL THERETO FOR ROAD AND RIGHTS INCIDENTAL THERETO, AS SET FORTH IN A DOCUMENT RECORDED IN BOOK 300, PAGE 376 OF DEEDS. |
| 4 | EASEMENT AND RIGHTS INCIDENTAL THERETO FOR STREET AND HIGHWAY, AS SET FORTH IN DOCUMENT RECORDED IN BOOK 5888, PAGE 489, OF OFFICIAL RECORDS.      |
| 5 | EASEMENT AND RIGHTS INCIDENTAL THERETO FOR STREET AND HIGHWAY, AS SET FORTH IN DOCUMENT RECORDED IN BOOK 9142, PAGE 712, OF OFFICIAL RECORDS.      |

## LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, CITY OF GARDEN GROVE, AND DESCRIBED AS FOLLOWS:

THE NORTH 129.44 FEET OF THE SOUTH 258.88 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, SAN BERNARDINO BASE AND MERIDIAN, COUNTY OF ORANGE, STATE OF CALIFORNIA.

[illegible]

\_\_\_\_\_ JC  
 DRAWN BY  
 \_\_\_\_\_ JP  
 CHECKED BY  
 \_\_\_\_\_ TH  
 RECOMMENDED




# Kimley»»Horn

1100 W TOWN & COUNTRY RD, SUITE 700  
ORANGE, CA 92868  
(714)-786-6125

---

PREPARED UNDER THE DIRECT SUPERVISION OF:

 DATE: 2/24/2021

JOHN POLLOCK R.C.F. NO. 86160 EXP 12/31/2022

CITY OF GARDEN GROVE  
APPROVED BY:

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_  
RCE # \_\_\_\_\_ EXP \_\_\_\_\_



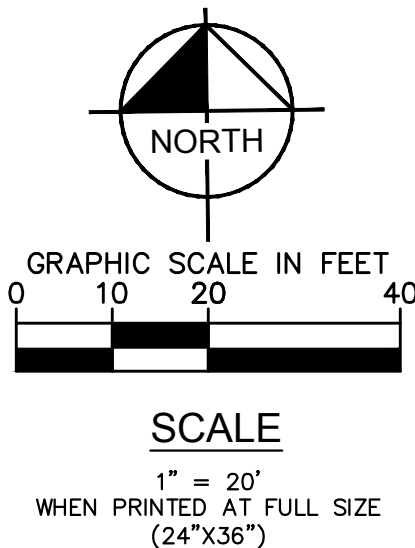
12202 S HARBOR BLVD  
GARDEN GROVE, CA 92840

CITY OF GARDEN GROVE

---

PRELIMINARY SITE  
PLAN

# C1.0





Drawing name: K:\ORA\DEV\Raising Cane's\09-797109 - Garden Grove (Harbor & Chapman) 625\CADD\Exhibits\Parking\Parking Exhibit.dwg    Feb 24, 2021 9:49am    by: AngelaChong  
This document, together with the concept and design presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

EXISTING CONDITIONS						
	LAND AREA (ACRES)	BUILDING AREA (S.F.)	LAND USE	PARKING REQ'D BY GARDEN GROVE CITY CODE: 19.16.040.150	PARKING SPACES REQ'D	PARKING PROVIDED
TARGET (W)	12.76	131,150	RETAIL	225	583	726***
VIVA BARGAIN CENTER (W)		17,647	RETAIL	225	79	
CAR WASH (W)		5,878	RETAIL	5 TIMES THE INTERNAL WASHING CAPACITY PLUS 1 SPACE PER EMPLOYEE	26	
TOTAL	12.76	145,383	-	-	688	726***

PROPOSED PARKING CONDITIONS							
	LAND AREA (ACRES)	BUILDING AREA (S.F.)	LAND USE	PARKING REQ'D BY GARDEN GROVE CITY CODE: 19.16.040.150	PARKING RATIO PROVIDED (PARKING SPACES/BLDG S.F.)	PARKING SPACES REQ'D	PARKING PROVIDED
TARGET (W)	12.76	131,150	RETAIL	225	0.004	583	712***
VIVA BARGAIN CENTER (W)		17,647	RETAIL	225		79	
CAR WASH (W)		5,878	RETAIL	5 TIMES THE INTERNAL WASHING CAPACITY PLUS 1 SPACE PER EMPLOYEE		26	
RAISING CANE'S (E) - DEVELOPER PARCEL	0.80	4208**	RESTAURANT	100	0.006	43	29****
TOTAL	-	-	-	-	-	731	741***
TOTAL (WITH 20% REDUCTION)	-	-	-	-	-	585	741***

\* BUILDING SQUARE FOOTAGE AND PARKING COUNT BASED ON THE SITE PLAN #260 AT 12202 S HARBOR BLVD, GARDEN GROVE, CA, DATED SEPTEMBER 30TH, 2015  
BY ZEIBARTH ASSOCIATES ARCHITECTURE & PLANNING AS WELL AS GOOGLE EARTH.  
\*\* BUILDING AREA INCLUDES 941 S.F. OF PATIO AND OUTDOOR DINING AREAS IN CALCULATIONS  
\*\*\* 22 TARGET PARKING SPACES ARE OCCUPIED BY CART CORRALS  
\*\*\*\* INCLUDES 8 CREDIT PARKING SPACES FROM 1/2 OF DRIVE THRU QUEUE (16 CARS / 2 = 8 CREDIT PARKING SPACES)

LEGEND

X

PROPERTY/RIGHT-OF-WAY LINE

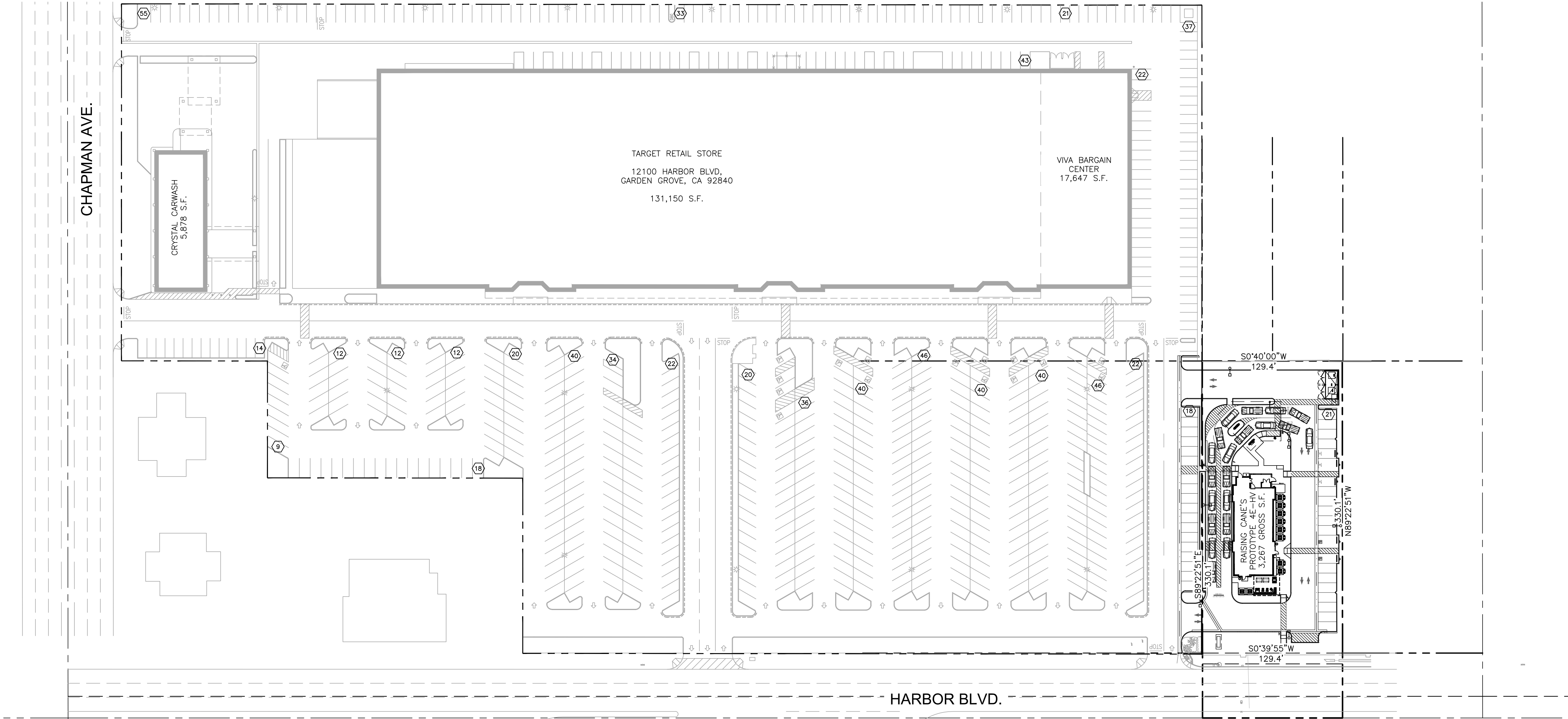
EASEMENT LINE

CENTER LINE

NUMBER OF PARKING SPACES

PROPOSED PARKING NOTE

1. 32 STALLS REMOVED FROM TARGET TRACT, A PORTION OF WHICH (18) ARE ADDED BACK INTO THE RAISING CANE'S PARCEL (DEVELOPER PARCEL) AS SHOWN HEREON.



811

Know what's below.  
Call before you dig.

ISSUE	DATE	DESCRIPTION
	1/11/21	1ST ENTITLEMENT SUBMITTAL
	2/26/21	2ND ENTITLEMENT SUBMITTAL

DRAWN BY  
JC

CHECKED BY  
TH

RECOMMENDED

ENGINEERS SEAL

REGISTERED PROFESSIONAL ENGINEER  
CIVIL  
NO. 86160  
STATE OF CALIFORNIA

NOTED FOR CONSTRUCTION

**Kimley»Horn**

1100 W TOWN & COUNTRY RD, SUITE 700  
ORANGE, CA 92868  
(714)-786-8125  
PREPARED UNDER THE DIRECT SUPERVISION OF:  
JOHN POLLACK, R.C.E. NO. 86160  
DATE: 2/24/2021  
EXP. 12/31/2022

CITY OF GARDEN GROVE

APPROVED BY:

CITY ENGINEER  
RCE # \_\_\_\_\_ EXP \_\_\_\_\_ DATE \_\_\_\_\_

12202 S HARBOR BLVD  
GARDEN GROVE, CA 92840

CITY OF GARDEN GROVE

**PRELIMINARY  
PARKING PLAN**

C1.1





KIESEL DESIGN

Kiesel Landscape  
Architecture Inc.

422 E Main Street  
Ventura, CA 93001  
(p) 805.947.0730  
Jack@kiesel-design.com  
CL# 5206

RC #625  
Raising Cane's  
Garden Grove

12032 Harbor Blvd.  
Garden Grove, CA 92840

Submittals:  
# DATE NAME  
03.03.21 CUP Resubmittal



Type: CUP Submittal

Initial Setup Date:  
December 4, 2020

Drawn By:  
# NAME DATE  
T. Slininger 12/2020

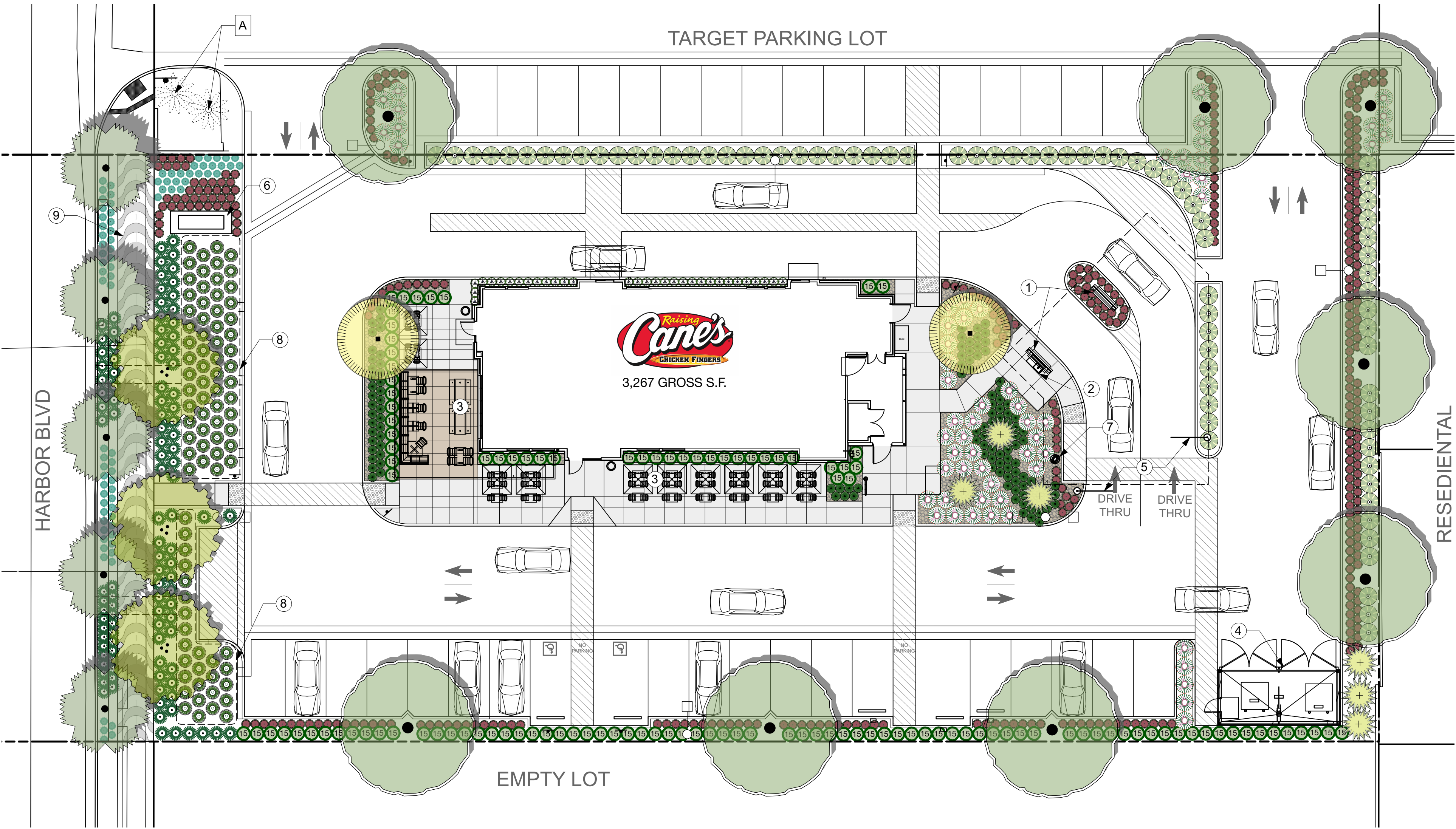
© 2018 Kiesel Landscape Architecture Inc. The design ideas and plans represented by these documents are the property of Kiesel Design. Use or copy is permitted by contract only. The use or revisions of these ideas or plans is prohibited without the written permission of Kiesel Design.

Title:

Conceptual  
Landscape Plan

Sheet Number:

L0.1



Plant List

Symbols	Botanical Name	Common Name	Size	Qty	Mature Height	Size Width	WUCOLS
Trees							
	<i>Cassia leptophylla</i>	Gold Medallion Tree	24" box	2	15 - 25 ft	15 - 20 ft	Low
	<i>Koelreuteria bipinnata</i>	Chinese Flame Tree	15 gal	3	20 - 30 ft	25 - 35 ft	Low
	<i>Phoenix dactylifera</i>	Date Palm	24" box	5	80 - 100 ft	20 - 40 ft	Low
	<i>Rhus lancea</i>	African Sumac	36" box	8	20-30 ft	> 35 ft	Low
Shrubs							
	<i>Raphiolepis umbellata</i> 'Minor'	Dwarf Yedda Hawthorn	15 gal	122	3 - 5 ft.	3 - 4 ft.	Low
	<i>Westringia</i> 'Highlight'	Variegated Rosemary	15 gal	77	3 - 4 ft	4 ft	Low
Perennials							
	<i>Achillea millefolium</i> 'Paprika'	Paprika Yarrow	1 gal	349	1'-2'	2'-3'	Med
	<i>Chondropetalum</i> 'El Campo'	El Campo Small Cape Rush	5 gal	85	2 - 3 ft	3 - 4 ft	Low
	<i>Dianella revoluta</i> 'Little Rev'	Little Rev Flax Lily	5 gal	32	2 -3 ft	1 - 2 ft	Low
Succulents							
	<i>Agave americana</i> var. <i>marginata</i>	Variegated Century Plant	15 gal	6	4 - 8 ft.	6 - 12 ft.	Very Low
	<i>Senecio serpens</i>	Blue Chalksticks	1 gal	81	<= 12 in	12 - 24 in	Low
Grasses							
	<i>Lomandra</i> 'Baby Breeze'	Evergreen Baby Mat Rush	5 gal	113	1 -2 ft	1 -2 ft	Low
	<i>Muhlenbergia capillaris</i>	Pink Muhly	5 gal	61	3 ft	3 ft.	Med
	<i>Pennisetum setaceum</i> 'Rubrum'	Fireworks Fountain Grass	1 gal	107	4 - 5 ft	2 - 4 ft	Low
----- root barrier							

Materials Legend

Material	Size	Area
Local river cobble	2-3" DIA	1,796 SF
Direct Colors® Kahlua integral colored concrete W/ double bladed saw cut joints. Finish: TOPCAST ® #03	N/A	418 SF
Natural colored concrete W/ double bladed saw cut joints. Finish: TOPCAST ® #03	N/A	2,334 SF

\*Integral Colored Concrete Supplier: Direct Colors <https://www.directcolors.com/>

Tree Requirement Calculations per Predevelopment Findings

-a variety of tree sizes is required for every 10 parking spaces. Trees must be a minimum of 15-gallons diameter with a one-inch caliper truck, eight feet in height with a two and one-half foot head or larger. These trees may be grouped or clustered and shall conform to the matrix of plant materials established by the City Manager or designee

-Street Frontage. One 24-inch box tree of a two and one-quarter inch caliper trunk diameter, 10 feet in height, and a five-foot head is required for every 30 feet of street frontage.

-No trees shall be planted under any eave, overhang or balcony

-All trees in landscape planters 10 feet in width or less shall be provided with tree root barricades.

-Tree Numbers.

1. Parking area—One per eight spaces.
2. Street setbacks—One per 20 feet.
3. Balance of site—One per 600 square feet (less parking area building)

Proposed Notes

- ① (P) order board per architect
- ② (P) hand washing station per architect
- ③ (P) outdoor furniture per architect
- ④ (P) trash enclosure per architect
- ⑤ (P) headache bar per architect
- ⑥ (P) monument board per architect
- ⑦ (P) pre order board per architect
- ⑧ (P) bio retention area per civil
- ⑨ (P) ROW paving treatment per Harbor Boulevard Landscaping Treatment

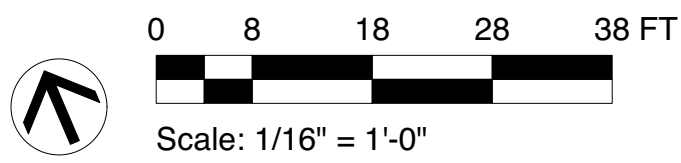
Existing Notes

- A (E) palms to remain

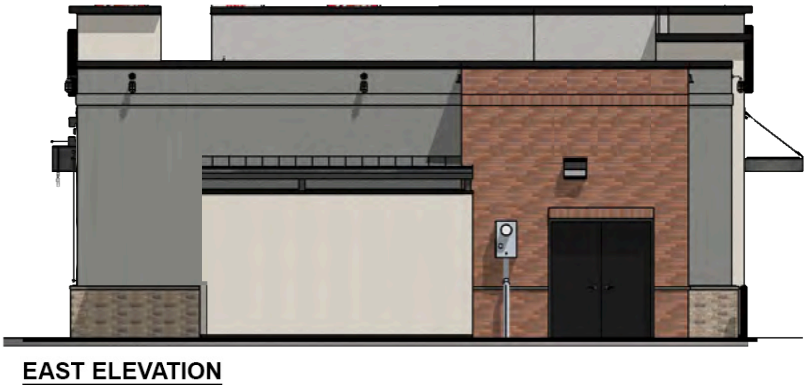
Existing Tree Protection  
& Removal Notes

All existing plant material to remain and be protected unless otherwise noted.

- (E) tree symbol
- (E) shrub
- (E) to be removed symbol







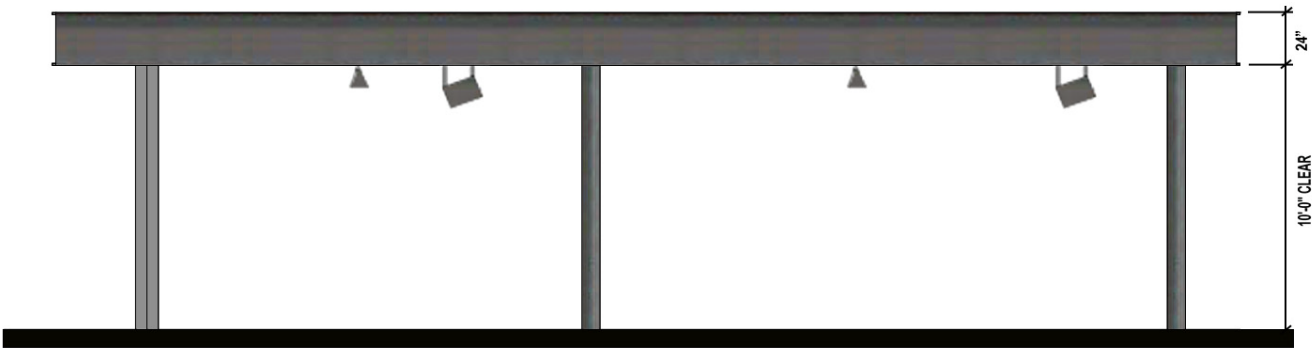
MATERIAL FINISHES

EM-3	EM-4	EWF-1	EWF-2	EWF-4	EWF-5	EWF-6	EWS-2
HOT ROLLED STEEL W/ CARBON GRADE FINISH - W/ CLEAR. MATTE POWDER COAT FINISH	RECLAIMED METAL PANEL: VINTAGE CAR HOOD OCCURS AT FACE OF THE "I" ELEMENT ONLY	BELDEN NORMAN BRICK MASONRY. MEDIUM RANGE, SMOOTH. IRON SPOT. MORTAR TO MATCH SOLOMON PRODUCTS IO H. WEATHERED HORIZONTAL STRIKE. VERTICAL JOINTS ARE FLUSH	"SW 7669 SUMMIT GRAY" PORTLAND CEMENT STUCCO	BORAL: "ALAMO" MODULAR BRICK. MORTAR TO MATCH SOLOMON PRODUCTS IO H. LIGHT BUFF SACK RUB FINISH.	"132 MOUNTAIN FOG" PORTLAND CEMENT STUCCO	"456 OYSTER SHELL" CEMENT STUCCO	ALUMINUM STOREFRONT SYSTEM FINISH: ANODIZED BLACK

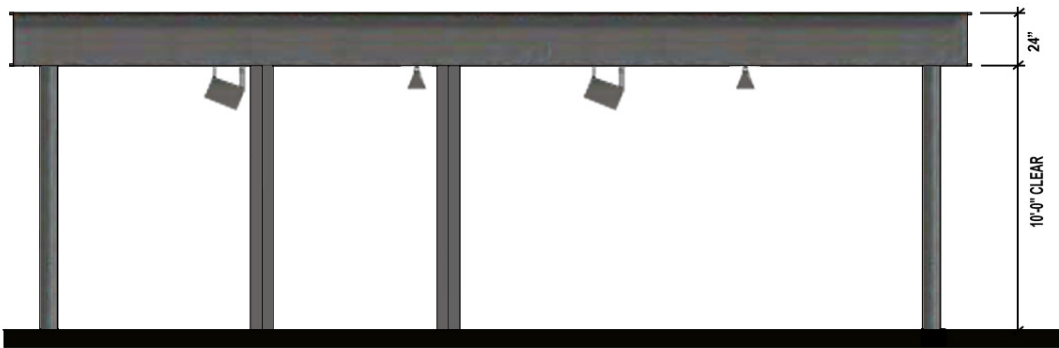
GENERAL NOTES:

(3) 4x8 logos at 24.14 SF each, (1) 20" One Love letters (17.57 SF), (1) Red Dog Banner (32 SF) and (1) One Love Heart as Art. Overall signage equals 121.99 SF. (Linear frontage equals 129.17 FT)

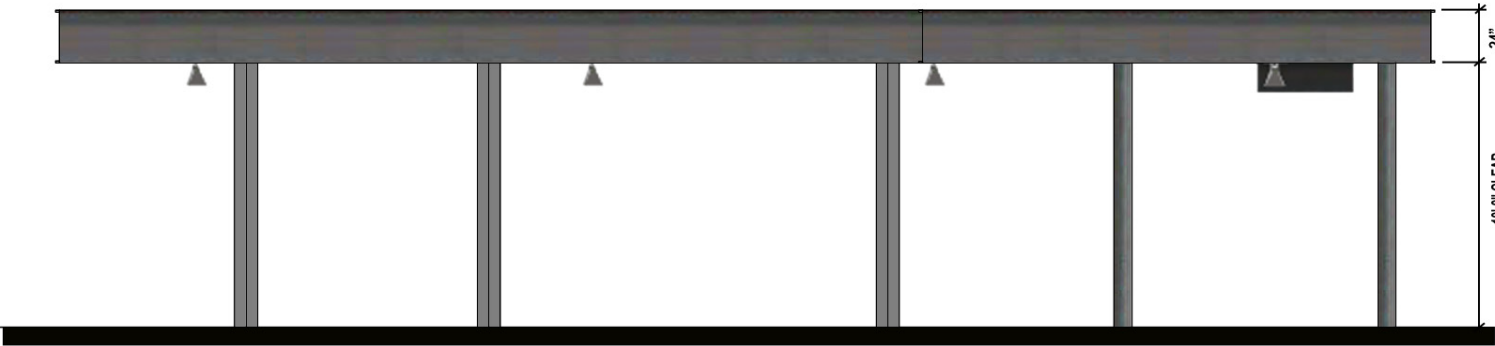
Colored Drive Thru Canopy Elevations (For Reference Only)



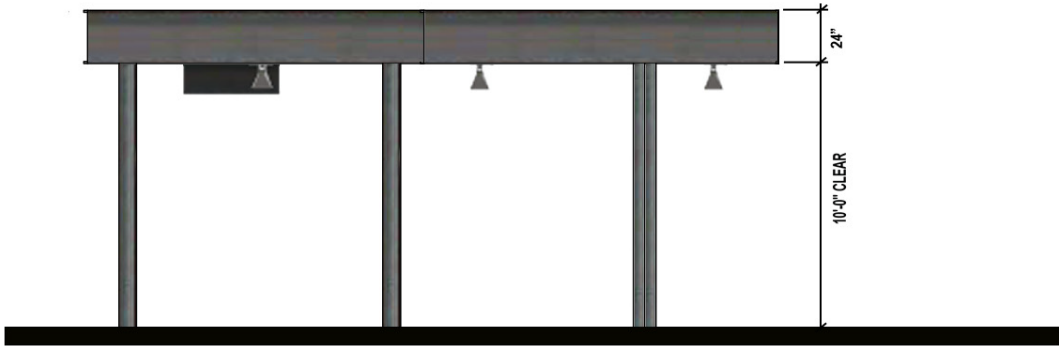
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

MATERIAL FINISHES



STEEL METAL PAINTED BLACK

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Teresa Pomeroy
Dept.:	City Manager	Dept.:	City Clerk
Subject:	Consideration of an appointment to fill a vacancy on the Parks, Recreation and Arts Commission. ( <i>Action Item</i> )	Date:	6/8/2021

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**OBJECTIVE**

For the Mayor to appoint and for the City Council to approve an appointment to fill the vacancy on the Parks, Recreation and Arts Commission.

**BACKGROUND**

Parks, Recreation and Arts Commissioner David Johnson resigned on April 16, 2021, citing his pending retirement and move from Garden Grove. At the City Council meeting on April 27, 2021, Mr. Johnson's resignation was accepted with regret. The City Clerk's Office posted and published a vacancy notice for the Parks, Recreation and Arts Commission on May 5, 2021, the vacancy was also published in a press release and on the City's social media platforms.

**DISCUSSION**

Pursuant to Garden Grove Municipal Code 2.21.010(A) and Government Code Section 40605, the Mayor, with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute. The attached lists Garden Grove residents who submitted applications for the Parks, Recreation and Arts Commission who were not selected during the 2020 recruitment; and current applicants who submitted following the vacancy notice.

**FINANCIAL IMPACT**

None.

**RECOMMENDATION**

It is recommended that the Mayor and City Council:

- Consider and appoint a Parks, Recreation and Arts Commissioner to fill the vacancy and complete David Johnson's term.

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Parks, Recreation and Arts list of applicants	6/1/2021	Backup Material	Parks_Recreation_and_Arts_Commission_list_of_applicants_for_vacancy_-_2021.pdf
Vacancy Notice	6/1/2021	Backup Material	Parks_Commission_Special_Vacancy_Notice_(April_2021).pdf
Press Release	6/1/2021	Backup Material	Press_Release_seeking-Parks_recreation_and_arts-commissioner_(2).pdf

APPLICATIONS RECEIVED DURING 2020 RECRUITMENT			
	NAME	DATE SUBMITTED	DISTRICT
1.	Juliane Nguyen	September 18, 2020	5
2.	Kevin Rhee	December 12, 2020	2
3.	Nataly Perez	December 23, 2020	5
4.	Jaime Casarin	December 23, 2020	6
5.	Arnett Counts	December 24, 2020	1
6.	Dylan Balducki	December 25, 2020	2

APPLICATIONS RECEIVED IN RESPONSE TO VACANCY			
	NAME	DATE SUBMITTED	DISTRICT
1.	Kelly Seay	May 4, 2021	5
2.	Mark Merlino	May 4, 2021	3
3.	Yvonne Murray	May 5, 2021	2
4.	Donald Taylor	May 5, 2021	3
5.	Pamela Buck	May 6, 2021	1
6.	Josephine Hernandez	May 8, 2021	4
7.	Marti Carroll	May 8, 2021	5
8.	Kelli Price	May 15, 2021	2
9.	Nicholas Dibs	May 20, 2021	1



## **CITY OF GARDEN GROVE**

### **PARKS, RECREATION, AND ARTS COMMISSION SPECIAL VACANCY NOTICE**

Pursuant to Garden Grove Municipal Code Section 2.21.013, notice is hereby given that the Garden Grove Parks, Recreation, and Arts Commission has an unscheduled vacancy with the term expiring December 2022. Information and a Commission application can be obtained by accessing the City's website at: [www.ggcity.org](http://www.ggcity.org) or by visiting the City Clerk's Office, City Hall, 11222 Acacia Parkway, Garden Grove, California, or by calling (714) 741-5040.

Commissioners are non-compensated volunteers. The Parks, Recreation, and Arts Commission consists of seven members who are electors residing in Garden Grove. The current vacancy is to complete the term held by Commissioner David Johnson. Parks, Recreation and Arts Commission meetings are regularly scheduled on the 2<sup>nd</sup> Thursday of January, April, July, and October at 6:00 p.m., and are held in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

/s/ TERESA POMEROY, CMC  
City Clerk

Date: April 28, 2021  
Publish: May 5, 2021



# CITY OF GARDEN GROVE NEWS

CONTACT:  
Teresa Pomeroy (714) 741-5040  
City Clerk

**FOR IMMEDIATE RELEASE**

Public Information Office (714) 741-5280

Follow the City of Garden Grove on Social Media

Wednesday, May 5, 2021



## **CITY SEEKS CANDIDATE FOR PARKS, RECREATION AND ARTS COMMISSION**

The City of Garden Grove is seeking a qualified candidate to serve as a non-compensated commissioner on the Parks, Recreation and Arts Commission. Applicants must be and remain a Garden Grove resident and a registered voter until the term expires in December 2022. To apply online, visit [ggcity.org/city-clerk/applications](http://ggcity.org/city-clerk/applications), or visit the City Clerk's Office, located on the 2<sup>nd</sup> floor of Garden Grove City Hall, at 11222 Acacia Parkway. The position will remain open until filled.

Regular Parks, Recreation and Arts Commission Meetings are held on the 2<sup>nd</sup> Thursday of January, April, July, and October at 6:00 p.m. in the Garden Grove Community Meeting Center, located at 11300 Stanford Avenue. Applicants must be able to attend all meetings.

Commissioners serve as advisors to the Garden Grove City Council to review and make recommendations as to programs offered by the City, capital improvement plans for park facilities, proposed amendments to the General Plan Parks and Recreation Element, and City art programs (GGMC 2.80.020). For more information, visit [ggcity.org/city-clerk](http://ggcity.org/city-clerk) or call (714) 741-5040.

###

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Patricia Song
Dept.:	City Manager	Dept.:	Finance
Subject:	Introduction and first reading Date: 6/8/2021 of Fiscal Year 2021-22 Paramedic Tax Override Rate Ordinance		

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**OBJECTIVE**

For the City Council to introduce an Ordinance to adopt the Paramedic Tax Override Rate for Fiscal Year 2021-22.

**BACKGROUND**

In June 1974, Garden Grove voters approved a property tax increase (override) to pay for emergency paramedic services. The approved ballot measure established a property tax specifically to pay for a "mobile intensive care program" in an amount not to exceed 10 cents per \$100 of assessed valuation. The mobile intensive care program (paramedic services) can be provided to the Community by the City or on a regional basis.

City Council Resolution No. 4547-74, which authorized the ballot measure, stated the specific purpose for which the property tax was imposed; namely, to provide for (1) an emergency medical care system with a response time of five minutes; (2) to pay salaries; and (3) to purchase and maintain vehicles, radio, telemetry and intensive care equipment, and all necessary supplies.

In June 2017, the City Council set the tax at 8 cents (\$0.08) per one hundred (\$100) of assessed valuation.

**DISCUSSION**

In order to maintain and pay for the paramedic emergency medical care services, it is necessary to continue to generate revenue through the use of an ad valorem tax override on the taxable property within the City of Garden Grove. The proposed rate is unchanged from last year.

**FINANCIAL IMPACT**

The tax override, as approved by the City Council, is 8 cents per one hundred dollars of assessed valuation. This will raise approximately \$13.5 million, which will be used to pay for emergency medical services.

#### RECOMMENDATION

It is recommended that the City Council:

- Introduce and conduct the first reading of the attached Ordinance authorizing a property tax override of 8 cents per \$100 of assessed value for Fiscal Year 2021-22 paramedic emergency medical care services.

#### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Fiscal Year 2021-22 Paramedic Tax Override Ordinance	5/26/2021	Ordinance	PM_Ordinance_21.22.docx

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ESTABLISHING THE AMOUNT OF MONEY FOR PARAMEDIC SERVICES THAT MUST BE  
RAISED BY AN AD VALOREM TAX OVERRIDE AND THE SETTING OF THE TAX RATE  
OF SAID OVERRIDE

**City Attorney's Summary**

*City Council Resolution No. 4547-74 submitted to the voters for approval an ad valorem tax for paramedic services in an amount not to exceed 10¢ per \$100 of assessed valuation. The measure was approved by the voters in June 1974. State law requires that the City Council set the annual levy of the tax by ordinance or resolution. This Ordinance sets the levy of the tax at 8¢ per \$100 of assessed valuation for FY 2021-2022.*

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: In June 1974, over sixty percent (60%) of the Garden Grove voters approved an ad valorem tax override to provide emergency medical care service (Paramedic Services) to the community, whether it be provided by the City of Garden Grove or on a regional basis, and thereby incurring a debt consisting of personnel and equipment and contractual payment obligations for the provision of Paramedic Services.

SECTION 2: Property taxes for indebtedness approved by the voters prior to July 1, 1978, are authorized pursuant to Section 93 of the Revenue and Taxation Code.

SECTION 3: The City Council of the City of Garden Grove hereby declares it is necessary to raise an estimated \$13,500,000 through the use of an ad valorem tax override on the taxable property within the City of Garden Grove to maintain and pay for the emergency medical care services. Such indebtedness to be paid includes personnel salaries, training costs, equipment, maintenance of all equipment acquired, and contractual obligations for the provision of paramedic services to the community.

SECTION 4: The tax rate for the authorized ad valorem tax override as approved by voters of all assessable real and personal property for the Fiscal Year 2021-22 shall be 8.0 cents (\$.080) per one-hundred dollars (\$100) of assessed valuation, using as a basis the value of the property as assessed and equalized by the County of Orange, State of California, and shown on the 2021-2022 assessment roll of said county.

SECTION 5: This ordinance shall exclude from Section 4 annexations of assessable, real and personal property to the City of Garden Grove after July 1, 1978, indicated by the listing on the attached document designated Exhibit "A".

SECTION 6: Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

SECTION 7: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law.

EXHIBIT "A"

Listed Annexations Finalized after July 1, 1978 and  
Not Subject to Paramedic Tax Override

Annexation No./ Reorganization No.	City Resolution No.	Date Completed
1-78	5573-78	August 8, 1978
2-78	5634-78	October 24, 1978
3-78	5637-78	November 28, 1978
4-78	5670-78	November 30, 1978
5-78	5671-78	November 30, 1978
7-78	5731-79	March 30, 1979
1-79	5813-79	July 30, 1979
141	7875-96	May 29, 1996

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	City Council Review and Approval of a six (6) month extension for the Accessible Business Program, and confirm the necessity of continuing the local emergency. ( <i>Action Item</i> )	Date:	6/8/2021

---

**OBJECTIVE**

For the City Council to review and extend the Accessible Business Program and confirm the necessity of continuing the local emergency as requested by City Manager Stiles.

**BACKGROUND**

In response to the COVID-19 pandemic, City Council confirmed and approved the attached Third Executive Order of the Director of Emergency Services to temporarily suspend the limitations of the Municipal Code relating to outdoor dining on May 26, 2020. The suspension of the Municipal Code limitations on outdoor dining allowed for the creation of the Accessible Business Program.

The Accessible Business Program provided for businesses to temporarily convert portions of parking areas, walkways, patios, sidewalks, and public rights-of-way into outdoor dining and retail areas. Businesses on Main Street were afforded the option to create temporary "parklets," using the on-street parking spaces in front of their tenant space. To participate in the program, businesses are required to obtain a Temporary Outdoor Business No-fee Permit through the Community and Economic Development Department.

**DISCUSSION**

To date, approximately 124 Temporary Outdoor Business permits have been issued under the Accessible Business Program. The number of issued permits peaked in the summer 2020, when approximately one hundred (100) businesses had active permits. Of the total 124 issued permits, twenty (20) permits are active currently. Under the Accessible



Business Program, permits could be extended in increments of ninety (90) days. Of the twenty (20) active permits, nineteen (19) have been renewed beyond their initial expiration date.

It is anticipated that the Blueprint for a Safer Economy, including the County tier system guidelines from the State of California would transition on June 15, 2021, in which distancing and capacity restrictions will be lifted for most businesses and activities. The Third Executive Order provides that the Accessible Business Program would expire upon the expiration of the local emergency or at the time when the State authorizes restaurants and eateries to continue dine-in services without restrictions, whichever comes first. For the City of Garden Grove, there has been positive feedback and interest from the business community to explore continuation of the Accessible Business Program beyond June 15, 2021. As the economy begins the process of recovery and getting back to normal, staff will require additional time to conduct an evaluation of possible alternatives for permanent outdoor business options.

It is not clear whether the governor will end the statewide emergency declaration due to the COVID-19 pandemic. However, in addition to the evaluation of possible alternatives for permanent outdoor business options, staff will also need time to program for the eventual reopening of all of the City's programs that have been affected by the pandemic. It is therefore recommended that the City Council approve continuation of the local emergency and further approve continuation of the Accessible Business Program for six (6) months beyond June 15, 2021. This would allow the issued permits to remain active, and for new permits to be issued, while exploration of a permanent implementation of the program. In six (6) months, Staff will present recommendations on the feasibility of permanent outdoor business operations.

#### **FINANCIAL IMPACT**

There is no fiscal impact to the City regarding this proposal.

#### **RECOMMENDATION**

It is recommended that the City Council:

- Approve extension of the Accessible Businesses Program for six (6) months beyond June 15, 2021, and confirm the necessity of continuing the local emergency.

#### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Executive Order No. 3	6/2/2021	Backup Material	Executive_Order_No._3_-_5-21-2020_re_outdoor_dining.pdf
List of Permitted Temporary Outdoor Businesses	5/26/2021	Backup Material	Outdoor_Business_List.pdf



**CITY OF GARDEN GROVE**  
**DIRECTOR OF EMERGENCY SERVICES**  
**EXECUTIVE ORDER NO. 3**

May 21, 2020

Whereas, on February 26, 2020 the County of Orange declared a local emergency and a local health emergency due to the spread of the novel coronavirus, COVID-19. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California due to COVID-19. On March 13, 2020, United State President Donald J. Trump declared a national emergency due to COVID-19; and

Whereas, on March 16, 2020 effective at 12:01 a.m. on March 17, 2020 the Garden Grove Director of Emergency Services did proclaim the existence of a local emergency due to COVID-19; and

Whereas, on March 24, 2020 the Garden Grove City Council ratified the proclamation of the local emergency in the City due to COVID-19 and confirmed the imposition of the various local orders applicable in the City during the existence of the local emergency.

Whereas on May 7, 2020 Governor Newsom issued updated industry guidance and a Resilience Roadmap with 4 stages to help drive reopening for some economic sectors in the State – including retail, manufacturing and logistics – with modifications, beginning Friday, May 8; the guidance provides for regional variances to allow for counties to move further into broader reopening of various sectors when the counties attest to meeting certain criteria.

Whereas, on May 12, 2020, the Garden Grove City Council reviewed and confirmed the necessity to continue the local emergency and confirmed the Director Emergency Services' orders related thereto.


NOW, THEREFORE, I, Scott C. Stiles, City Manager of the City of Garden Grove, acting as the Director of Emergency Services do hereby issue the following order to become effective immediately:

1. The limitations of the Garden Grove Municipal Code applicable to outdoor dining are hereby temporarily suspended to facilitate the implementation of a temporary outdoor dining permit issued at the discretion of the City's Department of Economic and Community Development Department to enable restaurants and eateries to expand their business footprint adjacent to their place of business onto the parking facilities and public right-of-way to enable social distancing while serving the community, subject to applicable State and County Health Department guidelines.



2. This order shall expire upon the expiration of the local emergency or at the time when the State authorizes restaurants and eateries to continue dine-in services without restrictions, whichever comes first.

Executed this 21<sup>st</sup> day of May 2020.

  
\_\_\_\_\_  
Scott C. Stiles  
Director of Emergency Services and  
City Manager

Attest:

  
\_\_\_\_\_  
Teresa Pomeroy  
City Clerk

TEMPORARY OUTDOOR BUSINESS PERMITS (AS OF 05/26/2021)						
	Business	Address	Type	Status	Permit #	Expiration
1	5-Star Eyebrow Threading	13115 Harbor Boulevard	Beauty Salon	Expired	20-2123	18-Jan
2	Advance Beauty College	10121 Westminster Avenue	Beauty Salon	Expired	20-2180	21-Dec
3	Aires del Peru	13008 Chapman Avenue	Restaurant	Expired	20-1987	3-May
4	Augustino's Italian	12554 Valley View Street	Restaurant	Expired	21-0622	18-May
5	Aunt Yese's	12444 Brookhurst Street	Restaurant	Expired	20-2239	5-Oct
6	Azteca Restaurant	12911 Main Street	Restaurant	Expired	20-2189	4-May
7	Banh Cuon Thanh Tri	9240 Garden Grove Boulevard, #11	Restaurant	Expired	20-2319	19-Dec
8	Ben Ngu Restaurant	10051 Garden Grove	Restaurant	Expired	20-3863	10-May
9	BCD Tofu House	9520 Garden Grove Boulevard #9	Restaurant	Renewed	20-2188	28-Jul
10	Blue Sky Restaurant	12127 Brookhurst Street	Restaurant	Renewed	20-2004	9-Aug
11	Bo De Vegetarian	10572 McFadden Avenue	Restaurant	Pending		
12	Boiling Point	13876 Brookhurst Street	Restaurant	Expired	20-3450	27-Apr
13	Brodard Chateau	9100 Trask Avenue	Restaurant	Expired	20-1800	5-May
14	Butaton	10130 Garden Grove Boulevard, #107	Restaurant	Pending		
15	Café Orange	9436 Garden Grove Boulevard	Restaurant	Expired	20-3741	22-Jan
16	Cham Soot Gol	9252 Garden Grove Boulevard	Restaurant	Removed	20-2118	26-Sep
17	Cherry Nails	12201 Brookhurst Street, #A	Nail Salon	Expired	20-2482	23-Oct
18	Chicken Plus	8891 Garden Grove Boulevard	Restaurant	Expired	20-2373	10-May
19	Cho Tam Bien	9906 Westminster Avenue, Suite B	Restaurant	Expired	20-2397	3-May
20	Chuck E. Cheese's	13101 Harbor Boulevard	Restaurant	Expired	20-2801	14-Nov
21	Chuze Fitness	12145 Brookhurst Street	Gym	Removed	20-4075	15-Feb
22	Claws	12125 Brookhurst Street	Restaurant	Expired	20-2119	3-May
23	Club Pilates	12965 Beach Boulevard	Gym	Expired	20-2876	3-May
24	D2D Lifeway	12821 Western Avenue, Unit F	Retail	Expired	20-3011	29-Nov
25	Denny's	13302 Harbor Boulevard	Restaurant	Expired	20-2987	28-Nov
26	Diva Nail	9141 Garden Grove, Unit B	Nail Salon	Expired	20-2260	6-Dec
27	Essie Nails	12901 Harbor Blvd #A4	Nail Salon	Expired	20-2276	9-Oct
28	Farmers Inc.	9922 Katella Avenue	Restaurant	Issued	21-0788	1-Jun
29	Fire Crab	8335 Garden Grove Boulevard	Restaurant	Expired	20-2211	3-May
30	Fun Cuts 4 Kids	6042 Chapman Avenue	Hair Salon	Removed	20-2098	25-Sep
31	Ga Bistro	13123 Brookhurst Street	Restaurant	Expired	20-2541	4-Jan
32	Gaenali Bon Ga	8757 Garden Grove Boulevard	Restaurant	Expired	20-3012	4-May
33	Garlic and Chives	9892 Westminster Avenue, #311	Restaurant	Expired	20-2649	3-Nov
34	Girlz Café	10552 McFadden Street	Restaurant	Pending		
35	Grams BBQ	8902 Garden Grove Boulevard	Restaurant	Expired	20-2345	10-May
36	CTB Eatery	9904 Westminster Avenue, #B	Restaurant	Expired	20-3373	3-May
37	Gold's Gym	10870 Katella Avenue	Gym	Expired	20-3724	18-Jan
38	Hang A Ri	9916 Garden Grove Boulevard	Restaurant	Expired	20-20-27	21-Nov
39	Hannam Udon & Sushi	12942 Galway Street, Unit A	Restaurant	Renewed	20-2443	3-Aug
40	Hanoi Corner	12119 Brookhurst Street	Restaurant	Expired	20-2630	2-Nov
41	Happy Days Restaurant	13135 Brookhurst Street	Restaurant	Expired	20-1986	14-Sep
42	Hat Ngo/Bistro	10742 Westminster Avenue	Restaurant	Expired	20-2519	3-May
43	Henry's Hof Brau	10549 Stanford Avenue	Restaurant	Renewed	20-2210	28-Jul
44	Hoa An Quan	14291 Euclid Street	Restaurant	Expired	20-2121	27-Nov
45	Hoi Ngo	13187 Brookhurst Street	Restaurant	Expired	20-2301	4-May
46	iTango	10022 Garden Grove	Restaurant	Expired	20-2592	31-Oct
47	Jong Ro Shul Lung Tang	8942 Garden Grove Boulevard #114-115	Restaurant	Expired	20-1983	10-May
48	Jugos Acapulco	10870 Katella Avenue #F	Restaurant	Expired	20-2708	8-Nov
49	Kaju Tofu	8895 Garden Grove Boulevard	Restaurant	Expired	20-1843	5-May
50	Kansai Japanese Restaurant	9738 Garden Grove Boulevard, #2	Restaurant	Expired	20-2593	1-Feb
51	Kathy Nails & Spa	6066 Chapman Avenue	Nail Salon	Removed	20-2097	25-Sep
52	Kaye's Kitchen	12939 Main Street	Restaurant	Expired	20-1757	6-May
53	Kura Revolving Sushi	13826 Brookhurst Street	Restaurant	Expired	20-3721	18-Jan
54	Kim's Hair & Nail	12905 Main Street	Beauty Salon	Expired	20-2372	16-Oct
55	King Street Food	10130 Garden Grove Boulevard, #133	Restaurant	Expired	20-2348	4-Jan
56	King's Pancakes	9742 Chapman Avenue	Restaurant	Removed	20-2003	18-Sep
57	KoKo Chicken	9732 Garden Grove Boulevard, #2	Restaurant	Renewed	20-3667	19-Aug
58	Kopan Ramen	10031 Garden Grove Boulevard	Restaurant	Expired	20-2632	2-Nov
59	Korea House BBQ	12118 Brookhurst Street	Restaurant	Expired	20-3704	18-Jan
60	Korean American Federation	9876 Garden Grove Boulevard	Organization	Expired	20-3968	8-Feb
61	KYM Café	10240 Westminster Avenue, #104	Restaurant	Expired	20-3341	21-Dec
62	Leez Hair Salon	12749 Brookhurst Way	Hair Salon	Removed	20-2124	26-Sep
63	LA Everything	13061 Galway Street	Store	Expired	20-4006	8-Feb
64	Louie's on Main	12942 Main Street	Restaurant	Expired	20-2053	4-May
65	Mama Tieu's	10130 Garden Grove Boulevard, #131	Restaurant	Expired	20-2280	8-Dec
66	Mariscos Perlas Del Mar	12158 Brookhurst Street	Restaurant	Expired	20-1906	24-May
67	Mikkoji Shabu Shabu	9240 Garden Grove Boulevard, #1	Restaurant	Expired	20-3160	5-May
68	Misoya Sushi	8893 Garden Grove Boulevard	Restaurant	Expired	20-2350	27-Apr
69	Mo Ran Gak	9651 Grove Boulevard	Restaurant	Renewed	20-1994	28-Jul
70	MT Barber	12441 Magnolia Street, Suite H	Hair Salon	Expired	20-2259	6-Oct
71	Mochinut/Chung Chun Hotdog	9760 Garden Grove Boulevard	Restaurant	Expired	20-2682	10-May
72	Nail Queen	9520 Garden Grove Boulevard #7	Restaurant	Expired	20-2055	20-Sep
73	New Seoul BBQ	9902 Garden Grove Boulevard	Restaurant	Expired	20-2277	18-May

74	New Trieu Chau	9918 Westminster Avenue	Restaurant	Renewed	20-2051	23-Aug
75	OC & Lau	10130 Garden Grove Boulevard	Restaurant	Renewed	20-2050	16-Aug
76	OC & Lau 2	9892 Westminster Avenue, Ste. R	Restaurant	Renewed	20-3719	16-Aug
77	The Office Bar	13221 Garden Grove Boulevard	Bar	Expired	20-2231	4-Oct
78	Ondal Restaurant	9240 Garden Grove Boulevard #18	Restaurant	Renewed	20-2232	3-Aug
79	Only Starz Café	13123 Euclid Street #C108	Restaurant	Expired	20-2209	3-Oct
80	Pan Korean Barbecue	8851 Garden Grove Boulevard #109-112	Restaurant	Expired	20-2208	6-May
81	Panchito's Taqueria	13048 Chapman Avenue	Restaurant	Renewed	20-1912	19-Jul
82	Peking Gourmet	9092 Garden Grove Boulevard	Restaurant	Expired	20-2709	6-May
83	Pho 45	9240 Garden Grove Boulevard #19	Restaurant	Expired	20-2093	18-May
84	Pho 54	10240 Westminster Avenue, #101-102	Restaurant	Expired	20-3224	24-May
85	Pho 86	8871 Garden Grove Boulevard	Restaurant	Expired	20-1832	15-Dec
86	Pho 86	10528 McFadden	Restaurant	Removed	20-2187	2-Oct
87	Pho Hoa Soan Ben Them Cu	12111 Brookhurst Street	Restaurant	Pending		
88	Pho Hoan Pasteur	9689 Chapman Avenue	Restaurant	Removed	20-2070	22-Sep
89	Pho Hong Long	14376 Brookhurst Street	Restaurant	Renewed	20-1885	2-Aug
90	Pho Hong Hung	13191 Brookhurst Street	Restaurant	Expired	20-3335	24-May
91	Pho House 99	8851 Garden Grove Boulevard, #101	Restaurant	Expired	20-2724	4-May
92	Pho Lu	10141 Westminster Avenue	Restaurant	Expired	20-2230	3-May
93	Pho Nam Dinh	13032 Harbor Boulevard	Restaurant	Expired	20-3882	6-May
94	Pho Quang Trung	10072 Westminster Avenue	Restaurant	Expired	20-2847	3-May
95	Pho Tuan Canh	9735 Garden Grove Boulevard	Restaurant	Expired	20-2627	4-Jan
96	Pho Vie	10120 Westminster Avenue	Restaurant	Expired	20-3084	27-Apr
97	Quan Bun	9792 Garden Grove Boulevard	Restaurant	Renewed	20-2565	1-Jun
98	Quan Mii	9541 Bolsa Avenue	Restaurant	Expired	20-1830	8-Jan
99	Raoushi Lebanese Restaurant	9562 Chapman Avenue	Restaurant	Expired	20-3666	18-Jan
100	Red Lobster	12892 Harbor Boulevard	Restaurant	Expired	20-3862	3-May
101	Red Sake Sushi Bar	10130 Garden Grove Boulevard, #101-103	Restaurant	Pending		
102	Royal Capital Seafood	10911 Westminster Avenue	Restaurant	Pending		
103	Sabroso	13129 Harbor Boulevard	Restaurant	Expired	20-1494	21-Apr
104	Saigon Deli	8911 Westminster Avenue	Restaurant	Renewed	20-1844	5-Jul
105	Seafood Cove	8547 Westminster Avenue	Restaurant	Expired	20-3837	1-Feb
106	Shik Do Rak	9691 Garden Grove Boulevard	Restaurant	Expired	20-2071	18-May
107	Silva Beauty Salon	12425 Haster Street	Beauty Salon	Expired	20-2299	10-Oct
108	Soju Belly	13041 Kerry Street	Restaurant	Expired	20-2028	25-May
109	Sookdal	9448 Garden Grove Boulevard	Restaurant	Renewed	20-2096	16-Aug
110	Submarine Crab	10130 Garden Grove Boulevard, #129	Restaurant	Renewed	20-2344	1-Jun
111	Subway	12951 Harbor Boulevard	Restaurant	Renewed	20-2052	3-Aug
112	Sugars	12792 Garden Grove Boulevard	Bar	Expired	20-3911	1-Feb
113	Tai Tea	10130 Garden Grove Boulevard, #115	Restaurant	Expired	20-2494	24-Oct
114	Thai Avenue	10130 Garden Grove Boulevard, #121	Restaurant	Renewed	20-2424	28-Jul
115	Thai Tangerine	12541 Harbor Boulevard	Restaurant	Renewed	20-2458	16-Aug
116	The Vintage 1979	10110 Westminster Avenue, Suite A	Restaurant	Expired	20-2707	20-Apr
117	The Wharf	12941 Main Street	Restaurant	Expired	20-2300	29-Jan
118	Tram Chim	10195 Westminster Avenue	Restaurant	Expired	20-2278	9-Oct
119	Tri Ky Quan	10592 Garden Grove Boulevard	Restaurant	Expired	20-2094	25-Sep
120	VyVy Restaurant	12172 Brookhurst Street	Restaurant	Expired	20-2095	22-Jan
121	Wild Crab	9730 Garden Grove Boulevard	Restaurant	Expired	20-1805	18-Jan
122	Y Tea Café	14291 Euclid Street, #D105	Restaurant	Expired	20-3237	25-Jan
123	Yigah	8562 Garden Grove Boulevard	Restaurant	Expired	20-2229	10-May
124	ZZ Hotpot House	14291 Euclid Street, #D113	Restaurant	Expired	20-3881	1-Feb