



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

AUGUST 1, 2019

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

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

ROLL CALL: CHAIR LEHMAN, VICE CHAIR KANZLER
COMMISSIONERS LE, NGUYEN, PEREZ, RAMIREZ, SOEFFNER

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center Council Chamber at the time of the meeting.

Agenda Item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: July 18, 2019
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. CONDITIONAL USE PERMIT NO. CUP-157-2019

APPLICANT: TUAN TRAN AND CHUONG PHAM (QUAN GIO, INC.)
LOCATION: WEST SIDE OF EUCLID STREET, NORTH OF HAZARD AVENUE BETWEEN FORBES AVENUE AND EMPEROR QUANG TRUNG AT 14241 EUCLID STREET #C111-112

REQUEST: Conditional Use Permit approval to operate an existing restaurant, Quan Gio Bar & Grill, which currently

operates with an Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, with live entertainment in the form of karaoke and an amplified instrumentalist with a solo performer. The site is in the Planned Unit Development No. PUD-104-81 zone. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-606-02, shall be revoked and become null and void.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-157-2019. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

C.2. CONDITIONAL USE PERMIT NO. CUP-162-2019

APPLICANT: LOS ANGELES SMSA LP, DBA VERIZON WIRELESS
LOCATION: WEST OF HARBOR BOULEVARD, BETWEEN GARDEN GROVE BOULEVARD AND BANNER DRIVE AT 13141 HARBOR BOULEVARD

REQUEST: Conditional Use Permit approval to construct a new 60-foot tall unmanned wireless telecommunication facility disguised as a palm tree (mono-palm) on a 43,850 square foot lot previously improved with a single-story, multi-tenant commercial building and an existing 59-foot tall mono-palm operating under Conditional Use Permit No. CUP-115-03. The site is in the HCSP-TS (Harbor Corridor Specific Plan-Transition South) zone.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-162-2019. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15303 – New Construction or Conversion of Small Structures.

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

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

Meeting Minutes
Thursday, July 18, 2019

CALL TO ORDER: 7:02 p.m.

ROLL CALL:

Chair Lehman
Vice Chair Kanzler
Commissioner Le
Commissioner Nguyen
Commissioner Perez
Commissioner Ramirez
Commissioner Soeffner

Absent: Kanzler.

PLEDGE OF ALLEGIANCE: Led by Commissioner Le.

ORAL COMMUNICATIONS – PUBLIC – None.

June 20, 2019 MINUTES:

Action: Received and filed.

Motion: Perez Second: Le

Ayes: (6) Le, Lehman, Nguyen, Perez, Ramirez, Soeffner

Noes: (0) None

Absent: (1) Kanzler

PUBLIC HEARING – SITE PLAN NO. SP-070-2019 AND VARIANCE NO. V-023-2019
FOR PROPERTY LOCATED AT 9191 WESTMINSTER AVENUE, NORTHWEST CORNER OF
WESTMINSTER AVENUE AND ATLANTIS WAY.

Applicant: MICHAEL DAO

Date: July 18, 2019

Request: Site Plan approval to construct a 7,140 square foot 3rd floor addition to an existing two-story 29,736 square foot medical office building for additional medical office and storage space. Also, a request for a Variance approval to deviate from the maximum stories and height permitted in the O-P (Office Professional) zone to facilitate the

construction of the new 3rd floor addition. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: Public Hearing held. Speaker(s): Dong Nguyen, Tom Nguyen, Steve Severin

Action: Resolution No. 5957-19 was approved.

Motion: Ramirez Second: Nguyen

Ayes: (5) Le, Lehman, Nguyen, Ramirez, Soeffner

Noes: (1) Perez

Absent: (1) Kanzler

PUBLIC HEARING – SITE PLAN NO. SP-071-2019 FOR PROPERTY LOCATED AT 12671 AND 12701 NELSON STREET, WEST SIDE OF NELSON STREET, NORTH OF STANFORD AVENUE.

Applicant: SAINT COLUMBAN CHURCH

Date: July 18, 2019

Request: A request by Saint Columban Church, located at 10801 Stanford Avenue, for Site Plan approval to convert two existing single-family dwellings, located on an approximately 21,760 square foot lot across Nelson Street, into 3,007 square feet of additional office and meeting space. The site is in the CCSP-PR (Civic Center Specific Plan-Peripheral Residential District) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: Public Hearing held. Speaker(s): Bridget Phillips

Action: Resolution No. 5958-19 was approved. One letter in favor of the request was submitted by Karen Nyhlen.

Motion: Ramirez Second: Perez

Ayes: (5) Le, Lehman, Nguyen, Perez, Ramirez

Noes: (1) Soeffner

Absent: (1) Kanzler

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF: Staff gave a brief description of agenda items for the next

regular Planning Commission meeting.

ADJOURNMENT: At 7:49 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, August 1, 2019, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: West side of Euclid Street, north of Hazard Avenue, between Forbes Avenue and Emperor Quang Trung at 14241 Euclid Street #C111-112
HEARING DATE: August 1, 2019	GENERAL PLAN: Industrial/Commercial Mixed Use
CASE NO.: Conditional Use Permit No. CUP-157-2019	ZONE: Planned Unit Development No. PUD-104-81/86 Rev. 90
APPLICANT: Tuan Tran and Chuong Pham	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: Real Estate Development, Inc.	APN: 099-183-03

REQUEST:

The applicant is requesting a Conditional Use Permit to operate an existing restaurant, Quan Gio Bar & Grill, which currently operates with an Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, with live entertainment in the form of karaoke and an amplified instrumentalist with a solo performer. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-606-02, shall be revoked and become null and void.

BACKGROUND:

The subject property has a General Plan Land Use designation of Industrial/Commercial Mixed Use, and is zoned Planned Unit Development (PUD) No. PUD-104-81/86 Rev. 90. PUD-104-81/86 Rev. 90 is intended to allow for industrial and commercial uses. The commercial area of the PUD is located along Euclid Street, while the industrial area is located west of Corporate Drive. The subject property is part of the commercial area of the PUD, and is surrounded by PUD-104-81 zoned properties to the north, south, and west. Across Euclid Street to the east are residential properties located in the City of Santa Ana.

The site is improved with a multi-tenant retail shopping center called the Euclid Retail Center. The site consists of two (2) in-line tenant buildings located on the west side of the property, and two (2) pad buildings. The site is accessed from three (3) driveways that are served from Euclid Street, Forbes Avenue, and Emperor Quang Trung. The center includes retail stores, restaurants, restaurants with live entertainment, medical, office professional uses, and a billiard hall.

The Quan Gio Bar & Grill restaurant occupies a 2,236 square foot in-line tenant space located in the northerly most in-line tenant building. The restaurant abuts a laundromat to the south and a retail fish pet shop to the north. A restaurant has been operating at this location since 2002 under different ownership and under different business names. The applicant has been operating the restaurant since October 2016 under the current business name, Quan Gio Bar & Grill.

The restaurant currently operates under Conditional Use Permit No. CUP-606-02, which allows the restaurant to operate with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License with live entertainment in the form of a non-amplified solo performer. CUP-606-02 allowed the restaurant to operate with a closing time of 10:00 p.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday, with the stipulation that the Garden Grove Police Department could reduce the hours if problems arose with the operation of the business. In 2009, the Garden Grove Chief of Police reduced the hours of operation of the restaurant to 11:00 p.m. on Friday and Saturday due to repeated violations to the conditions of approval.

In January 2018, the applicant submitted a preliminary application to the Planning Services Division requesting to modify the conditions of approval of CUP-606-02 to allow live entertainment in the form of karaoke and amplified performers, and to extend the hours of operation of the restaurant to 2:00 a.m. seven days a week. At the time, staff was not supportive of the request due to violations of the existing conditions of approval as documented by the Police Department. The violations included operating beyond the approved hours of operation; having amplified music audible outside of the restaurant; allowing entertainment beyond the approved solo performer; having a stage; allowing smoking on the premises; and allowing the rear door of the restaurant to be used for customer access into the restaurant.

An office meeting was held on March 8, 2018 between City staff and the applicant to discuss the violations, the City's expectations, and to ensure timely compliance with the conditions of approval. After the office meeting, the applicant agreed to comply with the conditions of approval, and took the appropriate steps to begin to operate the restaurant in accordance with the conditions of approval.

On August 28, 2018, a second office meeting was held between City staff and the applicant to discuss concerns that amplified music emitted from a sound system was audible outside of the restaurant. After the meeting, the applicant agreed to keep background music to low levels. Since that time, the applicant has demonstrated to be a good operator by operating the restaurant in compliance with the conditions of approval of CUP-606-02.

The applicant now requests to operate the restaurant with live entertainment in the form of karaoke and an amplified instrumentalist with a solo performer, which requires a modification to the conditions of approval. Since CUP-606-02 does not contain all the latest conditions of approval that would apply today to a restaurant with an ABC license with live entertainment, a new Conditional Use Permit will be

assigned to the restaurant that contains updated conditions of approval that apply to ABC Type "41" restaurants with live entertainment. Subsequently, upon approval of CUP-157-2019, CUP-606-02 will be revoked and become null and void.

DISCUSSION:

The Quan Gio Bar & Grill operates as a bona-fide full-service restaurant that specializes in Vietnamese cuisine. The restaurant is approximately 2,236 square feet in size, and consists of a dining area, service area, a kitchen, a prep area, walk-in coolers, storage, and restrooms.

The restaurant will continue to operate with live entertainment. The restaurant is currently allowed to operate with live entertainment in the form of a non-amplified solo performer under CUP-606-02. Through this request, the restaurant will operate with live entertainment in the form of karaoke and an amplified instrumentalist with a solo performer. The live entertainment is required to operate as an ancillary use to the restaurant. The entertainment area will be located at the northeast corner of the tenant space, and no stage is being proposed. The appropriate conditions of approval have been incorporated to regulate the operation of the live entertainment within a full-service restaurant, including that no dancing, nightclub or D.J (disc jockey) are permitted.

In order to prevent any amplified music, sound or vibrations from being audible outside of the premises, the applicant will construct a new vestibule within the interior of the restaurant, adjacent to the entrance, as a sound attenuation feature. The vestibule is required to be constructed prior to operating the business with the live entertainment granted under this CUP. The applicant is also required to obtain the appropriate building permits for the construction of the vestibule. If any sound continues to be audible outside of the establishment, the applicant is required to provide the appropriate sound attenuation measures.

The restaurant currently operates from 3:00 p.m. to 10:00 p.m., Sunday through Thursday, and 3:00 p.m. to 11:00 p.m., Friday and Saturday. With approval of this CUP, the restaurant's closing time will be extended to 11:00 p.m., Sunday through Thursday and 12:30 a.m. Friday and Saturday, which is consistent with the standard closing time for restaurants that operate with an ABC Type "41" License. The live entertainment will occur seven days a week, and is required to cease 30-minutes before the designated closing time of the restaurant.

With approval of Conditional Use Permit No. CUP-157-2019, the Conditional Use Permit previously governing the tenant space, CUP-606-02, will be revoked and become null and void.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. All standard conditions of approval for a Type "41" (On-Sale, Beer and Wine, Public Eating Place) License with live entertainment will apply.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt the proposed Resolution approving Conditional Use Permit No. CUP-157-2019, and revoking Conditional Use Permit No. CUP-606-02, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager

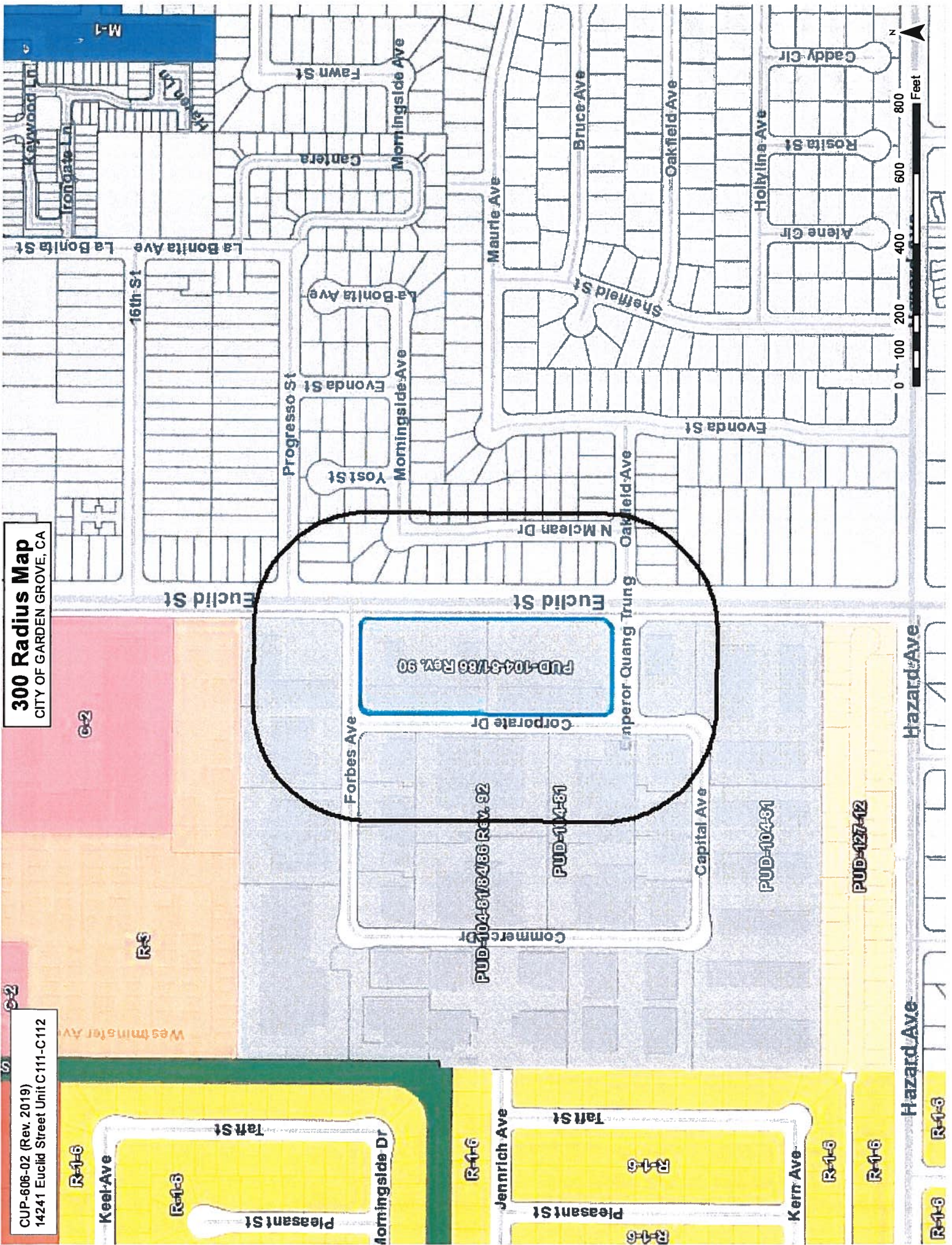


By: Maria Parra
Senior Planner

300 Radius Map

CITY OF GARDEN GROVE, CA

CUP-606-02 (Rev. 2019)
14241 Euclid Street Unit C111-C112





#	REVISION	DATE

TENANT IMPROVEMENT
QUAN GIO BAR & GRILL
14241 N. EUCLID ST, SUITE C111-C112
GARDEN GROVE, CA 92843

SITE PLAN & COVER SHEET

PROJECT NO. 14241-01
DATE 9.14.2017
SCALE AS SHOWN

CS-1

BUILDING DATA

PROJECT NO.	14241-01
DATE	9.14.2017
SCALE	AS SHOWN
OWNER	QUAN GIO BAR & GRILL
DESIGNER	NEWSTAR DESIGN & CONSTRUCTION
CONTRACTOR	
PERMITS	
PROJECT DATA	
PROJECT NO.	14241-01
DATE	9.14.2017
SCALE	AS SHOWN
OWNER	QUAN GIO BAR & GRILL
DESIGNER	NEWSTAR DESIGN & CONSTRUCTION
CONTRACTOR	
PERMITS	
PROJECT DATA	
PROJECT NO.	14241-01
DATE	9.14.2017
SCALE	AS SHOWN
OWNER	QUAN GIO BAR & GRILL
DESIGNER	NEWSTAR DESIGN & CONSTRUCTION
CONTRACTOR	
PERMITS	
PROJECT DATA	
PROJECT NO.	14241-01
DATE	9.14.2017
SCALE	AS SHOWN
OWNER	QUAN GIO BAR & GRILL
DESIGNER	NEWSTAR DESIGN & CONSTRUCTION
CONTRACTOR	
PERMITS	
PROJECT DATA	
PROJECT NO.	14241-01
DATE	9.14.2017
SCALE	AS SHOWN
OWNER	QUAN GIO BAR & GRILL
DESIGNER	NEWSTAR DESIGN & CONSTRUCTION
CONTRACTOR	
PERMITS	
PROJECT DATA	
PROJECT NO.	14241-01
DATE	9.14.2017
SCALE	AS SHOWN
OWNER	QUAN GIO BAR & GRILL
DESIGNER	NEWSTAR DESIGN & CONSTRUCTION
CONTRACTOR	
PERMITS	
PROJECT DATA	

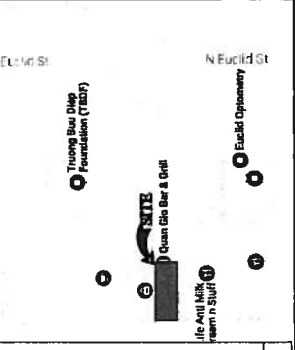
DESIGNER & ENGINEERING

SEPARATE SUBMITTALS

A SEPARATE PERMITTED PERMIT SHALL BE REQUIRED FOR THE CONSTRUCTION OF THE IMPROVEMENTS. THE PERMIT SHALL BE OBTAINED FROM THE CITY OF GARDEN GROVE. THE PERMIT SHALL BE OBTAINED FROM THE CITY OF GARDEN GROVE.

INDEX OF SHEETS

SEE SHEET 14241-01 FOR THE INDEX OF SHEETS.

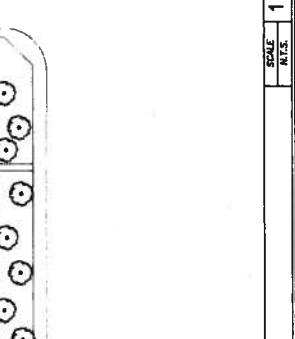
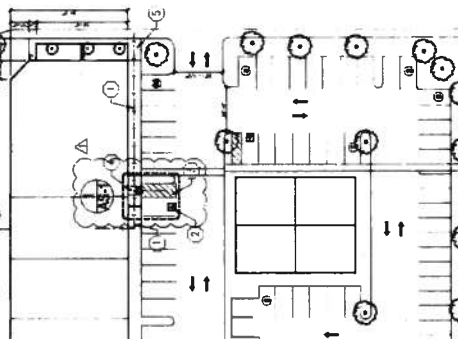


SCOPE OF WORK

DESIGN AND CONSTRUCTION OF THE TENANT IMPROVEMENTS FOR QUAN GIO BAR & GRILL. THE WORK SHALL INCLUDE THE DESIGN AND CONSTRUCTION OF THE IMPROVEMENTS, INCLUDING THE FOUNDATION, STRUCTURE, INTERIOR FINISHES, MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS. THE WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CITY OF GARDEN GROVE PERMITS AND REGULATIONS.

OCCUPANT LOAD

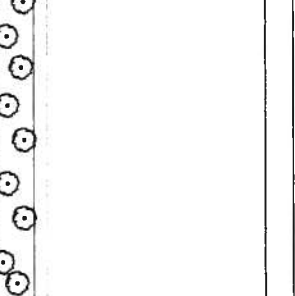
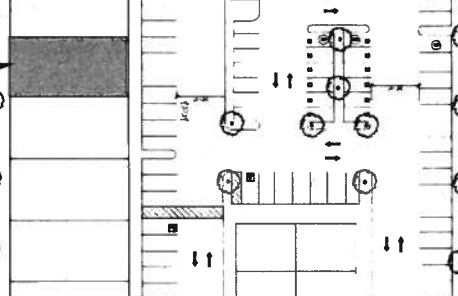
84



LEGEND

1. ALL ENTRANCES AND ALL EXTERIOR APPROACHES SHALL BE PROVIDED WITH RAMPING AND CURBS TO MEET THE ADA REQUIREMENTS. THE RAMPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA REQUIREMENTS AND SHALL BE PROVIDED WITH AN ANTI-SLIP SURFACE. THE CURBS SHALL BE PROVIDED WITH A BEVELLED EDGE TO MEET THE ADA REQUIREMENTS.

AREA OF PROPOSED

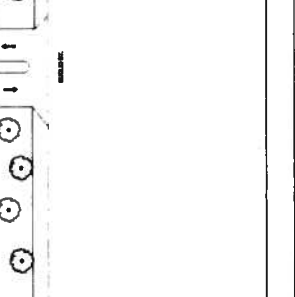
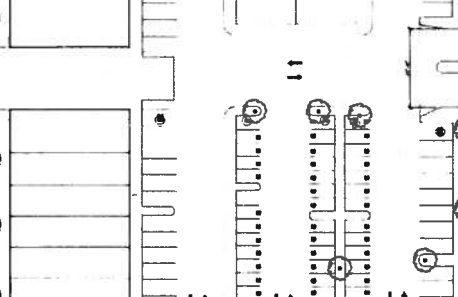


GENERAL NOTES

1. ALL ENTRANCES AND ALL EXTERIOR APPROACHES SHALL BE PROVIDED WITH RAMPING AND CURBS TO MEET THE ADA REQUIREMENTS. THE RAMPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA REQUIREMENTS AND SHALL BE PROVIDED WITH AN ANTI-SLIP SURFACE. THE CURBS SHALL BE PROVIDED WITH A BEVELLED EDGE TO MEET THE ADA REQUIREMENTS.

GENERAL NOTES

1. ALL ENTRANCES AND ALL EXTERIOR APPROACHES SHALL BE PROVIDED WITH RAMPING AND CURBS TO MEET THE ADA REQUIREMENTS. THE RAMPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA REQUIREMENTS AND SHALL BE PROVIDED WITH AN ANTI-SLIP SURFACE. THE CURBS SHALL BE PROVIDED WITH A BEVELLED EDGE TO MEET THE ADA REQUIREMENTS.

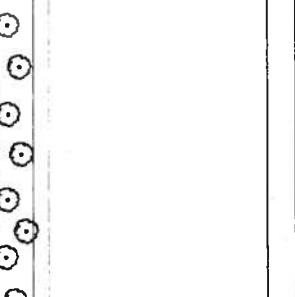
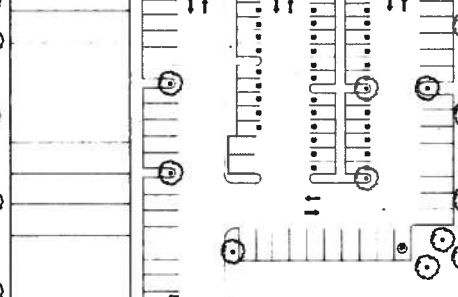


GENERAL NOTES

1. ALL ENTRANCES AND ALL EXTERIOR APPROACHES SHALL BE PROVIDED WITH RAMPING AND CURBS TO MEET THE ADA REQUIREMENTS. THE RAMPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA REQUIREMENTS AND SHALL BE PROVIDED WITH AN ANTI-SLIP SURFACE. THE CURBS SHALL BE PROVIDED WITH A BEVELLED EDGE TO MEET THE ADA REQUIREMENTS.

GENERAL NOTES

1. ALL ENTRANCES AND ALL EXTERIOR APPROACHES SHALL BE PROVIDED WITH RAMPING AND CURBS TO MEET THE ADA REQUIREMENTS. THE RAMPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA REQUIREMENTS AND SHALL BE PROVIDED WITH AN ANTI-SLIP SURFACE. THE CURBS SHALL BE PROVIDED WITH A BEVELLED EDGE TO MEET THE ADA REQUIREMENTS.

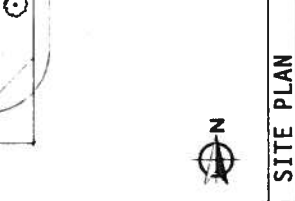
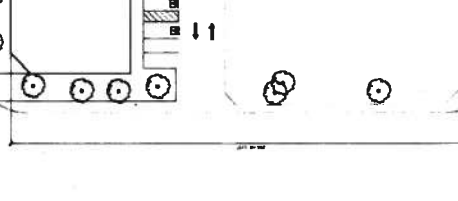


GENERAL NOTES

1. ALL ENTRANCES AND ALL EXTERIOR APPROACHES SHALL BE PROVIDED WITH RAMPING AND CURBS TO MEET THE ADA REQUIREMENTS. THE RAMPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA REQUIREMENTS AND SHALL BE PROVIDED WITH AN ANTI-SLIP SURFACE. THE CURBS SHALL BE PROVIDED WITH A BEVELLED EDGE TO MEET THE ADA REQUIREMENTS.

GENERAL NOTES

1. ALL ENTRANCES AND ALL EXTERIOR APPROACHES SHALL BE PROVIDED WITH RAMPING AND CURBS TO MEET THE ADA REQUIREMENTS. THE RAMPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA REQUIREMENTS AND SHALL BE PROVIDED WITH AN ANTI-SLIP SURFACE. THE CURBS SHALL BE PROVIDED WITH A BEVELLED EDGE TO MEET THE ADA REQUIREMENTS.



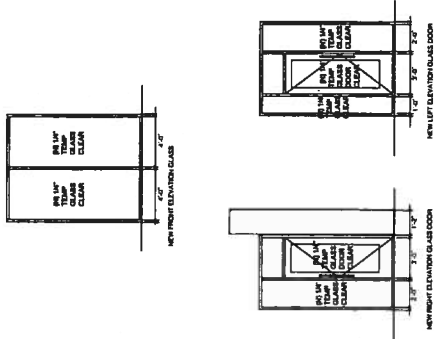


REVISION	DATE

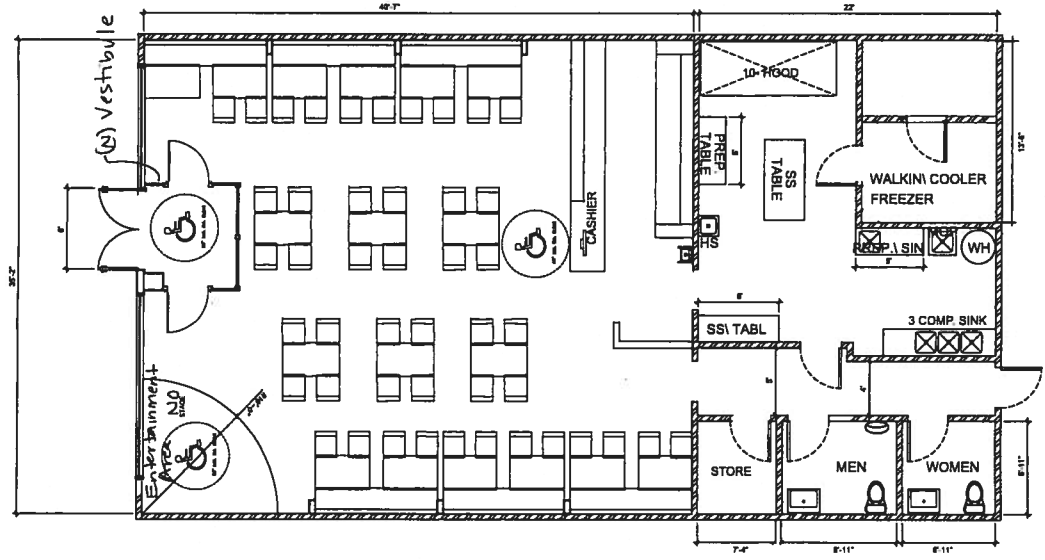
TENANT IMPROVEMENT
QUAN GIO BAR & GRILL
 14241 N. EUCLID ST, SUITE C-111-C-112
 GARDEN GROVE, CA 92843

FLOOR PLAN
 & SECTION

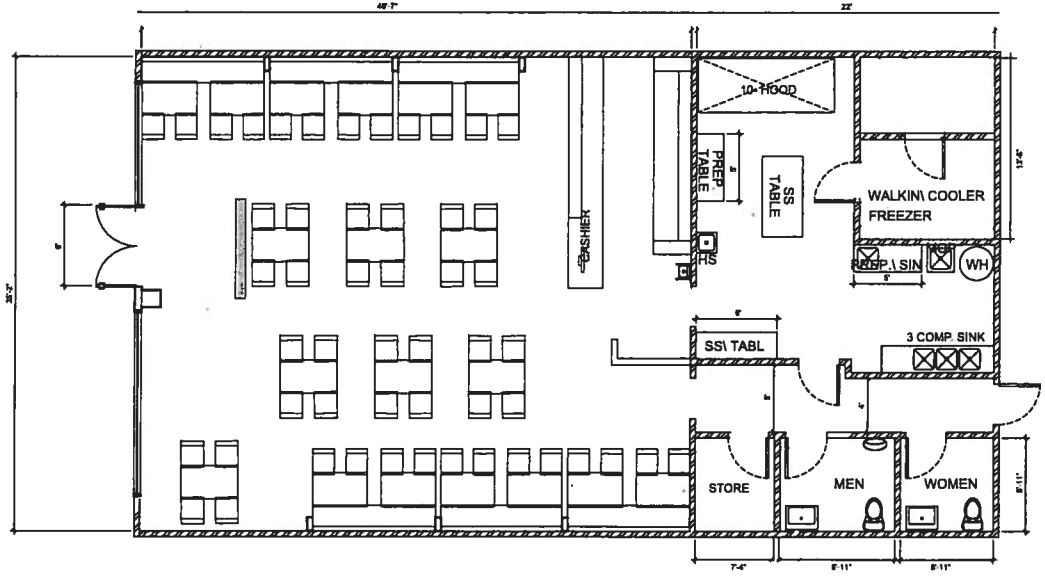
A-1



LEGEND OF WORK
 • FRAME BRONZE ANODIZED ALUMINUM
 • GLASS CLEAR
 • SINGLE DOOR 36" X 84"



Proposed
 FLOOR PLAN (N)



Existing
 FLOOR PLAN (E)

SCALE
 1/4" = 1'-0"

RESOLUTION NO. 5959-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-157-2019 AND REVOKING CONDITIONAL PERMIT NO. CUP-606-02 FOR A PROPERTY LOCATED ON THE WEST SIDE OF EUCLID STREET, NORTH OF HAZARD AVENUE, BETWEEN FORBES AVENUE AND EMPEROR QUANG TRUNG AT 14241 EUCLID STREET #C111-112, ASSESSOR'S PARCEL NO. 099-183-03.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 1, 2019, does hereby approve Conditional Use Permit No. CUP-157-2019, and revoke Conditional Use Permit No. CUP-606-02, for land located on the west side of Euclid Street, north of Hazard Avenue, between Forbes Avenue and Emperor Quang Trung at 14241 Euclid Street #C111-112, Assessor's Parcel No. 099-183-03 (the "Property").

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-157-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Tuan Tran and Chuong Pham for Quan Gio Bar & Grill.
2. The applicant is requesting a new Conditional Use Permit to operate an existing restaurant, Quan Gio Bar & Grill, which currently operates with an Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, with live entertainment in the form of karaoke and an amplified instrumentalist with a solo performer. Upon approval and exercise of the subject request, the existing Conditional Use Permit governing the tenant space, CUP-606-02, shall be revoked and become null and void.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Industrial/ Commercial Mixed Use and is zone Planned Unit Development No. PUD-104-81/86 Rev. 90. The site is improved with a multi-tenant commercial shopping center. The center includes retail stores, restaurants, restaurants with live entertainment, medical, office professional uses, and a billiard hall.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on August 1, 2019, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter at its meeting on August 1, 2019, and

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

FACTS:

The Quan Gio Bar & Grill operates as a bona-fide full-service restaurant that specializes in Vietnamese cuisine. The restaurant is approximately 2,236 square feet in size, and consists of a dining area, service area, a kitchen, a prep area, walk-in coolers, storage, and restrooms.

The applicant has been operating the restaurant since October 2016. The restaurant currently operates under Conditional Use Permit No. CUP-606-02, which allows the restaurant to operate with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License with live entertainment in the form of a non-amplified solo performer. The applicant now requests to expand the restaurant's live entertainment to include karaoke and an amplified instrumentalist with a solo performer.

The restaurant currently operates from 3:00 p.m. to 10:00 p.m., Sunday through Thursday, and 3:00 p.m. to 11:00 p.m., Friday and Saturday. With approval of this CUP, the restaurant's closing time will be extended to 11:00 p.m., Sunday through Thursday and 12:30 a.m. Friday and Saturday, which is consistent with the standard closing time for restaurants that operate with an ABC Type "41" license.

With approval of Conditional Use Permit No. CUP-157-2019, the existing Conditional Use Permit governing the tenant space, CUP-606-02, will be revoked and become null and void.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. All standard conditions of approval for a Type "41" (On-Sale, Beer and Wine, Public Eating Place) License with live entertainment will apply.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Industrial/Commercial Mixed Use and is zoned Planned Unit Development No. PUD-104-81/86 Rev. 90. The Industrial/Commercial Mixed Use General Plan Land Use designation allows for a mix of industrial and commercial uses. Policy LU-1.3 of the General Plan Land Use Element seeks to encourage a wide variety of retail and commercial services, restaurant and cultural arts/entertainment, in appropriate locations. Eating establishments that operate with live entertainment are conditionally permitted in PUD-104-81/86 Rev. 90. A restaurant has been operating from the subject location since 2002 under Conditional Use Permit No. CUP-606-02, which allows the business to operate within an Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License with live entertainment in the form of a non-amplified solo performer. The applicant has been operating the restaurant since October 2016, and now proposes to operate the restaurant with live entertainment in the form of karaoke and an amplified instrumentalist with a solo performer. The restaurant will continue to operate with an ABC Type "41" License. The proposed live entertainment is consistent with the commercial uses of the Industrial/Commercial Mixed Use Land Use Designation, which permits full-service restaurants with ancillary live entertainment. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area or will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare, as the live entertainment will continue to remain an ancillary use to the full-service restaurant. The Quan Gio Bar & Grill restaurant operates under Conditional Use Permit No. CUP-606-02, which currently permits live entertainment in the form on a non-amplified solo performer. The applicant now requests approval to expand the type of live entertainment to include karaoke and an amplified instrumentalist within a solo performer. No dancing, nightclub, or D.J. (disc jockey) will be permitted. In order to limit

noise and vibrations to neighboring properties, all amplified music, sound or vibrations emitted from the premises cannot be audible outside the boundaries (walls) of the establishment. The applicant would be required to provide sound attenuation where necessary, which will include the construction of a new vestibule at the interior entrance of the establishment. Furthermore, the restaurant is required to comply with the City's adopted Noise Ordinance of Chapter 8.47 of the Municipal Code.

The restaurant will also operate with typical hours of operation that apply to other restaurants that operate with an ABC Type "41" License, and will close at 11:00 p.m., Sunday through Thursday, and 12:30 a.m., Friday and Saturday. The live entertainment will occur seven days a week; however, all live entertainment is required to cease 30-minutes prior to the designated closing time of the business.

All appropriate conditions of approval have been incorporated to minimize impacts to adjacent properties. Provided the restaurant operates as a bona-fide public eating-place with ancillary alcohol sales and with ancillary live entertainment, the proposed use will be compatible with the surrounding uses. Provided the conditions of approval are adhered to for the life of the project, the use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

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

All site improvements are existing, including parking, loading facilities, and landscaping. The site, with the existing site improvements, is of adequate size to accommodate the proposed use within the surrounding area.

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

The site is adequately served by driveways located on Euclid Street, Forbes Avenue, and Emperor Quang Trung. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Conditional Use Permit).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-157-2019.

EXHIBIT "A"

Conditional Use Permit No. CUP-157-2019

14241 Euclid Street #C111-112

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Tuan Tran and Chuong Pham, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor 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 approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Police Department

6. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
7. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The City of Garden Grove reserves the right to reduce hours of operation, including the hours for the entertainment, by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
8. There shall be no customers or patrons in or about the premises when the establishment is closed.
9. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
10. The sale of alcoholic beverages for consumption off the premises is prohibited.
11. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.
12. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
13. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010(a).
14. In the event that an Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or the applicant is fined for any ABC violation as a

result of disciplinary action, the Conditional Use Permit may be presented to the Hearing Body for review or further consideration.

15. The sale and service of alcohol shall cease thirty (30) minutes prior to the required closing time.
16. Entertainment shall be limited to the following operating requirements:
 - a. Live entertainment shall be limited to karaoke and an amplified instrumentalist with a solo performer.
 - b. All live entertainment shall cease thirty (30) minutes prior to the designated closing time.
 - c. All entertainment shall comply with the City's adopted Noise Ordinance.
 - d. All amplified music, sound or vibrations shall not be audible from outside the establishment. The applicant shall install appropriate sound attenuation devices to contain all music, sound or vibrations within the establishment.
 - e. The proposed vestibule located within the interior entrance of the restaurant shall be installed prior to the operation of the business with the proposed live entertainment approved under this Conditional Use Permit. All appropriate building permits shall be obtained for the vestibule. If any sound continues to be audible outside of the establishment, the appropriate sound attenuation measures shall be installed to the satisfaction of the Police Department and Community and Economic Development Department.
 - f. When the live entertainment is not occurring, amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience.
 - g. No dancing, nightclub or D.J. (disc jockey) shall be permitted.
 - h. There shall be no raised platform, stage or dance floor allowed on the premises at any time. The applicant shall take appropriate measures necessary to ensure customers shall not be allowed to stand for the purpose of hearing and/or viewing the entertainment.

- i. At all times that the business is operating, the dining tables and chairs shall remain in place to accommodate dining within the restaurant area. At no time shall the restaurant's dining area be converted into a dance floor, nightclub area or other entertainment area by removing or reconfiguring the dining tables and chairs.
 - j. Live entertainment is intended to be incidental to the primary activity of dining within the restaurant, and shall not be utilized as a primary use or as an attraction to draw customers to the establishment.
 - k. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
 - l. All live entertainment at the establishment is the sole responsibility of the owner/operator of the establishment. The owner/operator of the establishment shall be solely responsible for all bookings and contractual arrangements for any type of live entertainment allowed.
 - m. The owner/operator shall not lease space, enter into any agreements with promoters or otherwise allow the facility to be used by promoters for the purpose of promotional events such as live bands, flier events, promoter parties, exotics dancers, multiple person bands or any other type of similar entertainment.
 - n. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
 - o. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
 - p. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
17. Applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.

Community and Economic Development Department

18. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by the Alcoholic Beverage Control License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in full-service restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
19. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
20. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
21. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
22. No outside storage or displays shall be permitted at any time.
23. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the restaurant's entrance, and shall also be visible to the public.
24. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
25. There shall be no deliveries to or from the premises before 8:00 a.m. and after 10:00 p.m., seven days a week.
26. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
27. 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.

28. The trash bin shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
29. 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.
30. 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.
31. No roof-mounted mechanical equipment, including exhaust vents, 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 Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
32. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
33. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
34. 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 the windows, shall count toward the maximum window coverage area.
35. 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.
 36. A copy of the decision approving Conditional Use Permit No. CUP-157-2019 shall be kept on the premises at all times.
 37. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
 38. The applicant shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-157-2019, and his/her agreement with all conditions of the approval.
 39. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
 40. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division.
 41. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-157-2019 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
 42. 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 CUP-157-2019. 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.

Public Works Environmental Division

43. A properly sized Grease Control Device (GCD) shall be installed on the waste line and maintained by the property owner.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: West of Harbor Boulevard, between Banner Drive and Garden Grove Boulevard, at 13141 Harbor Boulevard
HEARING DATE: August 1, 2019	GENERAL PLAN: International West Mixed Use (IW)
CASE NO.: Conditional Use Permit No. CUP-162-2019	ZONE: Harbor Corridor Specific Plan – Transition South (HCSP-TS)
APPLICANT: Los Angeles SMSA LP, dba Verizon Wireless	APN: 100-335-25
OWNER: Rapnjef Corp	CEQA DETERMINATION: Exempt 15303 – New Construction or Conversion of Small Structures.

REQUEST:

The applicant is requesting Conditional Use Permit approval to allow for the construction and operation of a 60'-0" tall, unmanned, wireless telecommunication facility disguised as a palm tree (mono-palm), along with a 10'-0" tall equipment enclosure (Assessor's Parcel No. 100-335-25).

BACKGROUND:

The subject site is approximately 1.03-acres, located at 13141 Harbor Boulevard, between Banner Drive and Garden Grove Boulevard. The site is improved with an approximately 7,200 square-foot commercial building that is currently occupied by a clothing retail store, MJ T Max Inc.

The subject site is zoned Harbor Corridor Specific Plan – Transition South (HCSP-TS), and has a General Plan Land Use Designation of International West Mixed Use (IW). The subject site abuts Harbor Corridor Specific Plan – District Commercial (HCSP-DC) zoned properties improved with commercial buildings to the north; HCSP-TS zoned properties, also improved with commercial buildings, to the south and to the east, across Harbor Boulevard; and Single-Family Residential (R-1) zoned properties to the west, across Roan Road.

On August 21, 2003, the Garden Grove Planning Commission approved Conditional Use Permit No. CUP-115-03, initiated by Sprint PCS, to allow the construction and operation of a 59'-0" tall, unmanned, wireless telecommunication facility disguised as a palm tree (mono-palm) along with related site improvements, including planting new palm trees, re-striping parking, removing graffiti and illegal dumping, and installing a new wrought-iron fence around the rear parking area of the subject

property. The approved mono-palm is located behind the existing building, and has been and will continue to be in operation since its construction.

The applicant, Verizon Wireless, requests to construct and operate a new, unmanned, 60'-0" tall mono palm wireless facility south of the existing mono-palm, behind the existing building. The subject location has been selected to achieve the functional requirements set by Verizon Wireless; however, the existing mono-palm facility is considered not co-locatable as there is not a satisfactory space to conceal new antennas, nor is there space in the existing equipment enclosure for additional cabinets. For that reason, a new stealth structure is proposed to resolve the current the challenge.

A new facility is needed by Verizon in order to relieve network traffic congestion, and ensure reliable levels of service due to Verizon's existing and surrounding wireless facilities becoming overloaded beyond their capacity. In order to allow the construction of the proposed mono-palm, a new Conditional Use Permit is required.

DISCUSSION:

Verizon Wireless is proposing to lease 324 square feet of land area behind the existing building, to install a new 60'-0" tall wireless telecommunication facility disguised as a palm-tree (mono-palm), along with related equipment. Because the subject property is within the 100-year floodplain, all the equipment will be mounted to a raised steel platform that will be secured within a ten foot (10'-0") tall, concrete block equipment enclosure to screen the equipment.

Besides the new 60'-0" tall stealth structure, the equipment enclosure will house one (1) generator, one (1) equipment cabinet, a battery cabinet and have sufficient space for one (1) future equipment cabinet. In addition, Verizon Wireless has secured an on-site non-exclusive parking space (9'-0" x 19'-0") along with 12'-0" wide access route from public right-of-way at Harbor Boulevard with the property owner to access the equipment enclosure for maintenance purposes.

The proposed mono-palm will consist of nine (9) eight-foot (8'-0") tall panel antennas (three-sector antennas with three (3) panel antennas per sector) mounted at the 50'-0" antenna centerline. Each sector will be attached to the pole of the mono-palm by a four-foot (4'-0") long T-arm antenna mount. Three (3) surge suppressor raycap units will be attached to each T-arm antenna mount along with nine (9) wireless radios (three-sectors with three (3) radios per sector). One two-foot (2'-0") microwave antenna will be installed and attached to the main pole of the mono-palm at the 41'-0" microwave antenna centerline. Conditions of approval have been incorporated that will ensure the mono-palm will maintain a natural appearance. All attached equipment (i.e., antennas, T-arm antenna mounts, and other attached equipment) will be sufficiently screened and remain stealth by the foliage of mono-palm fronds.

In order to further stealth the new proposed mono-palm and blend the facility with the existing aesthetic conditions of the area, the conditions of approval will require the installation of one (1) new, 30'-0" to 45'-0" foot tall live, mature palm tree. The

new palm tree will be planted adjacent to the proposed mono-palm and align with existing palm trees. The new palm tree will help mitigate any potential negative aesthetic impacts.

The additional telecommunication facility will help expand Verizon's coverage area within the City, and help fill gaps that currently exist in their network. Figure A - "Propagation maps", provided by the applicant, demonstrates this issue within the network. The increased coverage will help expand the service provider's coverage area, so customers can make and maintain calls as they travel through the City, with the calls transferred from one facility to another. Situating this facility at this location will also help reduce the burden on the provider's network and accommodate an increase in customer demand.

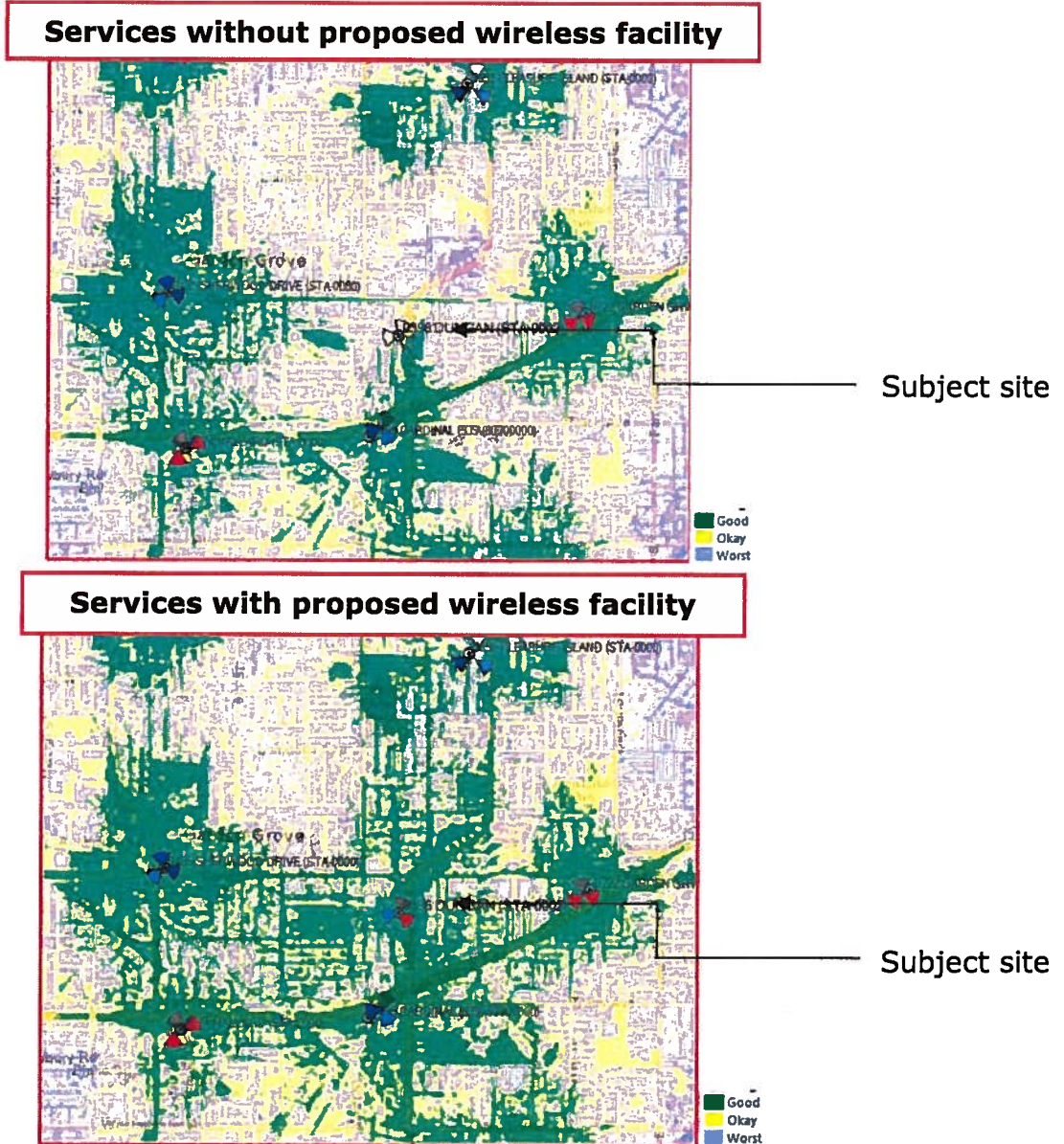


Figure A: Propagation maps, provided by the applicant, indicate signal strength within coverage areas served by wireless telecommunication facilities. The two maps above demonstrate that the proposed wireless facility will help to fill the gaps that currently exist within the network.

CUP-115-03 required the applicant to provide security lighting and a wrought iron fence to be installed at the rear of the property, where the mono-palm and trash enclosure are located, to prevent illegal dumping and graffiti. As a result, the rear parking area is currently not being used for parking, nor is the trash enclosure usable. Upon inspection of the site, staff observed that not only was the rear parking area not striped, but also, the subject property does not provide sufficient striped parking spaces to accommodate the existing use. A total of 30 parking spaces are provided at the front and on the northerly side of the building.

As part of the request, the applicant proposes to re-stripe the parking lot to meet the parking requirement for the retail use. A total of 36 parking spaces, including two (2) handicap-parking spaces, 26 standards parking spaces, and seven (7) compact parking spaces will be provided after the site is re-striped. Seven (7) compact parking spaces are proposed to be located within the fencing area. Upon approval of this request, the wrought iron fencing gate is conditioned to remain open during normal business hours to provide parking accessibility for employees and customers, and to facilitate access to the trash enclosure located at the rear property.

In addition to the parking deficiency issue, staff observed property maintenance deficiencies to the areas adjacent to the proposed lease area including graffiti on both sides of the existing building, overgrown and dead vegetation, and a damaged trash enclosure. Figure B, which is a photograph taken by City staff during site-visit, shows current property maintenance deficiencies on the subject property. In an effort to improve this area, both aesthetically and functionally, the applicant will be required to remove all graffiti on the building, to repair or replace the trash enclosure, and remove all overgrown and dead vegetation as part of conditions of approval.



Graffiti on the existing building



Damage and unusable trash enclosure along with overgrown vegetation

Figure B: Current property maintenance deficiencies observed during a site-visit.

The Community and Economic Development Department has reviewed the request and is supporting the proposal. All standard conditions of approval that apply to a new wireless facility will apply.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

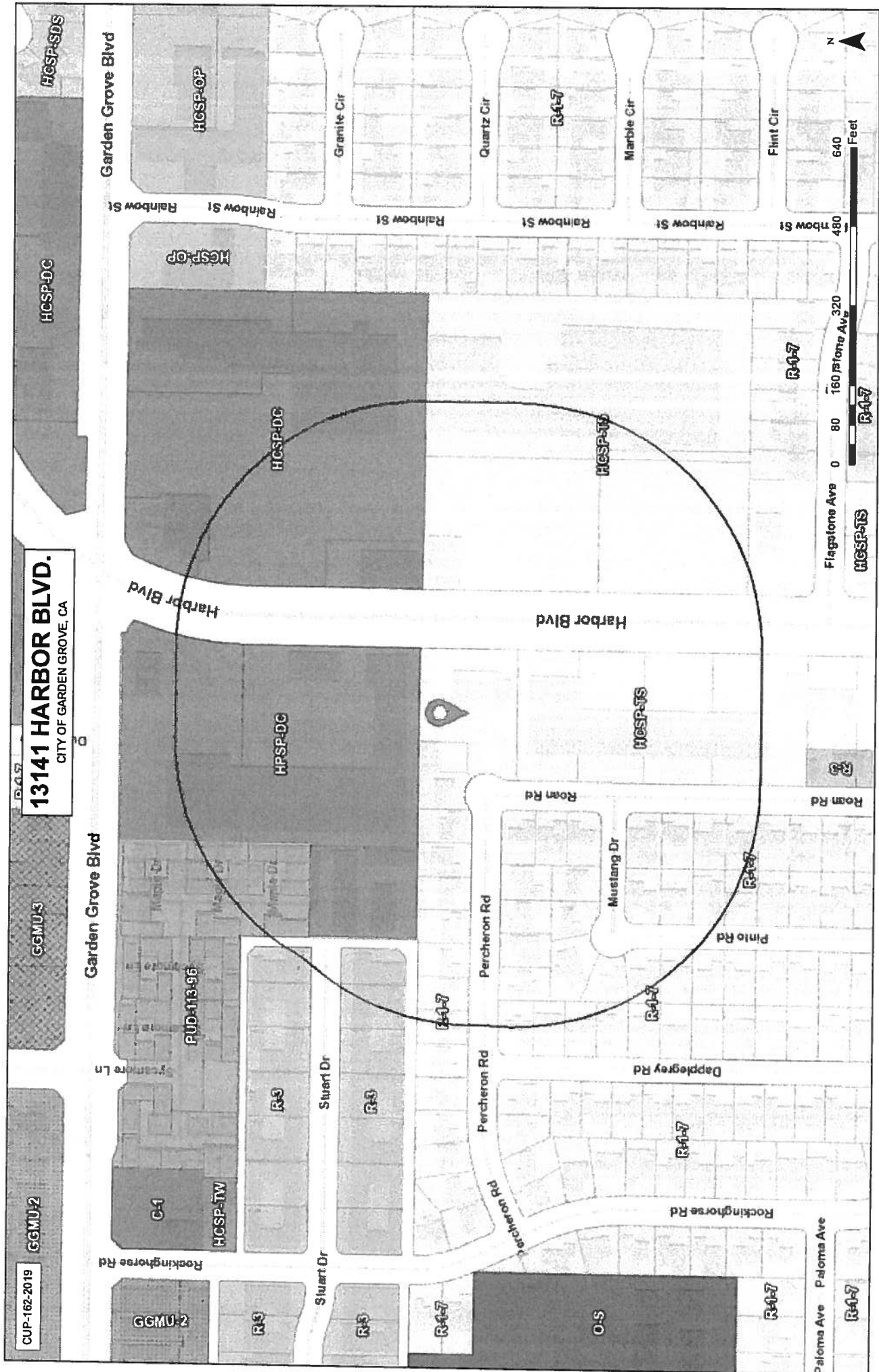
- Adopt Resolution No. 5960-19 approving Conditional Use Permit No. CUP-162-2019, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager



By: Huong Ly
Assistant Planner



13141 HARBOR BLVD.
CITY OF GARDEN GROVE, CA



REV	DATE	DESCRIPTION	BY
1	11/20/18	ISSUED	...
2	12/10/18	REVISION	...
3	01/23/19	REVISION	...

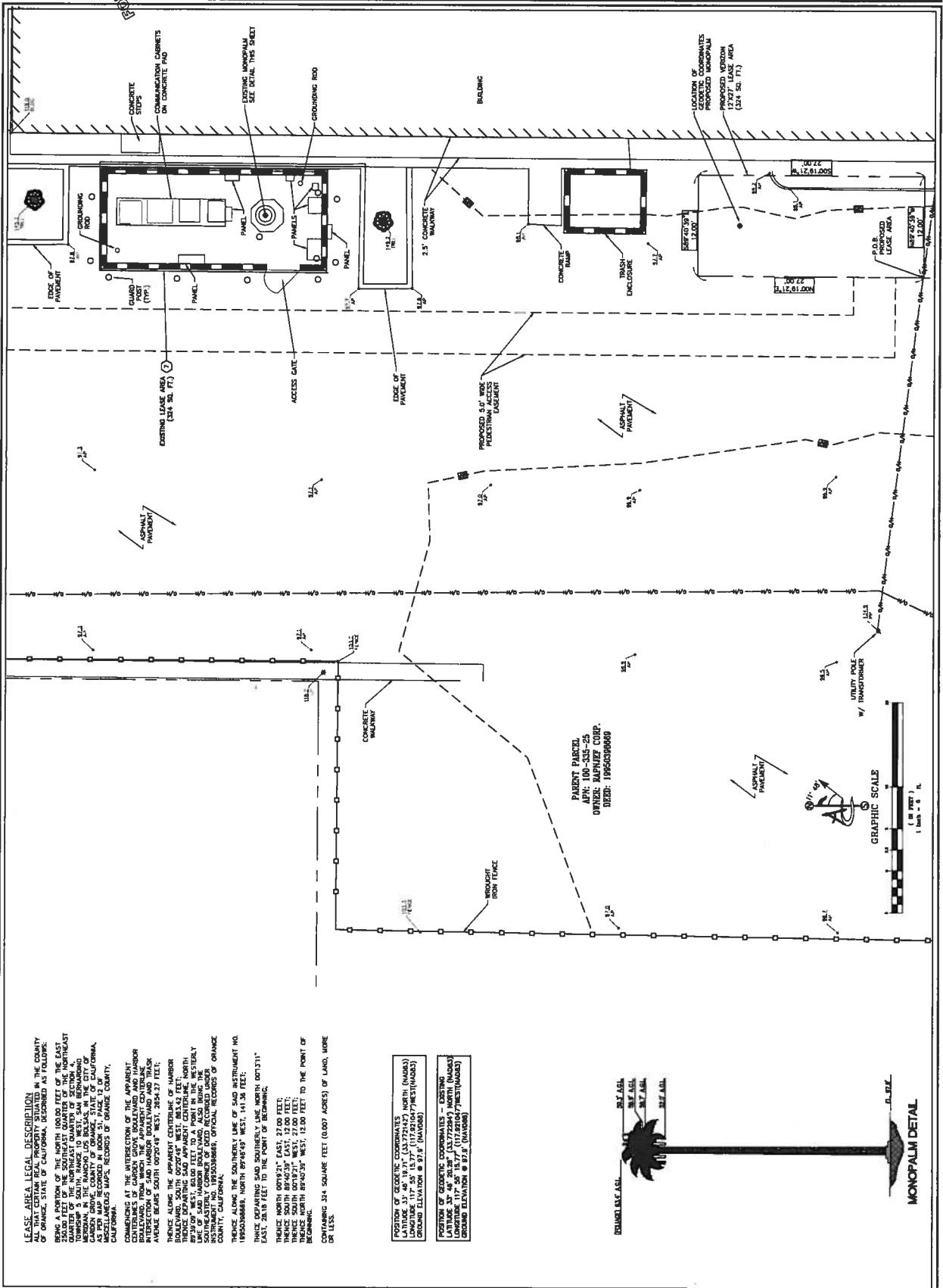
DELTA GROUPS ENGINEERING INC.
 2182 W. 15th ST.
 RAINBOW, CA 92614
 TEL: 949-427-0333
 FAX: 949-427-0331

Verizon
 15505 SAND CANYON AVENUE, D1
 IRVINE, CA 92618

ambt consulting
 425 MAIN STREET
 SUITE 208
 IRVINE, CA 92614
 TEL: 949-453-8888
 WWW.AMBTCONSULTING.COM

DUNGAN
 13141 HARBOR BLVD.
 GARDEN GROVE, CA 92843
 ORANGE COUNTY

SHEET TITLE:
SURVEY DETAIL
 LS-2



LEASE AREA LEGAL DESCRIPTION
 IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
 BEING A PORTION OF THE NORTH 100.00 FEET OF THE EAST QUARTER OF THE SOUTH 1/4 QUARTER OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 3 SOUTH, RANGE 10 WEST, SAN BERNARDINO COUNTY, CALIFORNIA, AS SHOWN ON THE MAPS AND INSTRUMENT NO. 1993040868, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

COMMENCING AT THE INTERSECTION OF THE APPARENT CENTERLINE OF SAID HIGHWAY 60 AND THE APPARENT CENTERLINE OF SAID HIGHWAY 78, AND ALONG SAID HIGHWAY 60 AND SAID HIGHWAY 78, THENCE ALONG THE APPARENT CENTERLINE OF SAID HIGHWAY 60, SOUTH 02°02'45" WEST, 88.142 FEET; THENCE DEPARTING SAID APPARENT CENTERLINE, NORTH 89°40'33" WEST, 12.00 FEET; THENCE ALONG SAID HIGHWAY 78, SOUTH 89°40'33" WEST, 12.00 FEET; THENCE SOUTH 02°02'45" WEST, 88.142 FEET TO THE POINT OF BEGINNING.

CONTAINING 324 SQUARE FEET (0.007 ACRES) OF LAND, MORE OR LESS.

POSITION OF GEODETIC COORDINATES
 LATITUDE 33° 46' 19.17" (S1772147) NORTH (MADRS)
 LONGITUDE 117° 55' 15.77" (117281047) WEST (MADRS)
 GEODETIC ELEVATION @ 97.8' (MADRS)

POSITION OF GEODETIC COORDINATES - EXISTING MONOPALM
 LATITUDE 33° 46' 19.17" (S1772147) NORTH (MADRS)
 LONGITUDE 117° 55' 15.77" (117281047) WEST (MADRS)
 GEODETIC ELEVATION @ 97.8' (MADRS)

DELIVERED AS IS
 DELIVERED AS IS
 DELIVERED AS IS

DELIVERED AS IS
 DELIVERED AS IS
 DELIVERED AS IS

MONOPALM DETAIL

ISSUE STATUS

REV	DATE	DESCRIPTION	BY
1	10/21/18	ISSUED	MM
2	09/21/18	REVISED	JM
3	06/27/18	REVISED	JM
4	04/19/18	ISSUED	TT

DELTA GROUPS ENGINEERING INC

16450 DELTA AVENUE, SUITE 100
CANTON, CA 94503
TEL: 925-425-2222 FAX: 925-425-2221
WWW.DELTAGROUPS.COM
E-MAIL: INFO@DELTA-CA.COM
DELTA GROUPS ENGINEERING INC
DELTA GROUPS ENGINEERING INC
DELTA GROUPS ENGINEERING INC
DELTA GROUPS ENGINEERING INC

PROPRIETARY INFORMATION

THIS DOCUMENT IS THE PROPERTY OF DELTA GROUPS ENGINEERING INC AND IS NOT TO BE REPRODUCED, COPIED, DISTRIBUTED, OR DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF DELTA GROUPS ENGINEERING INC.



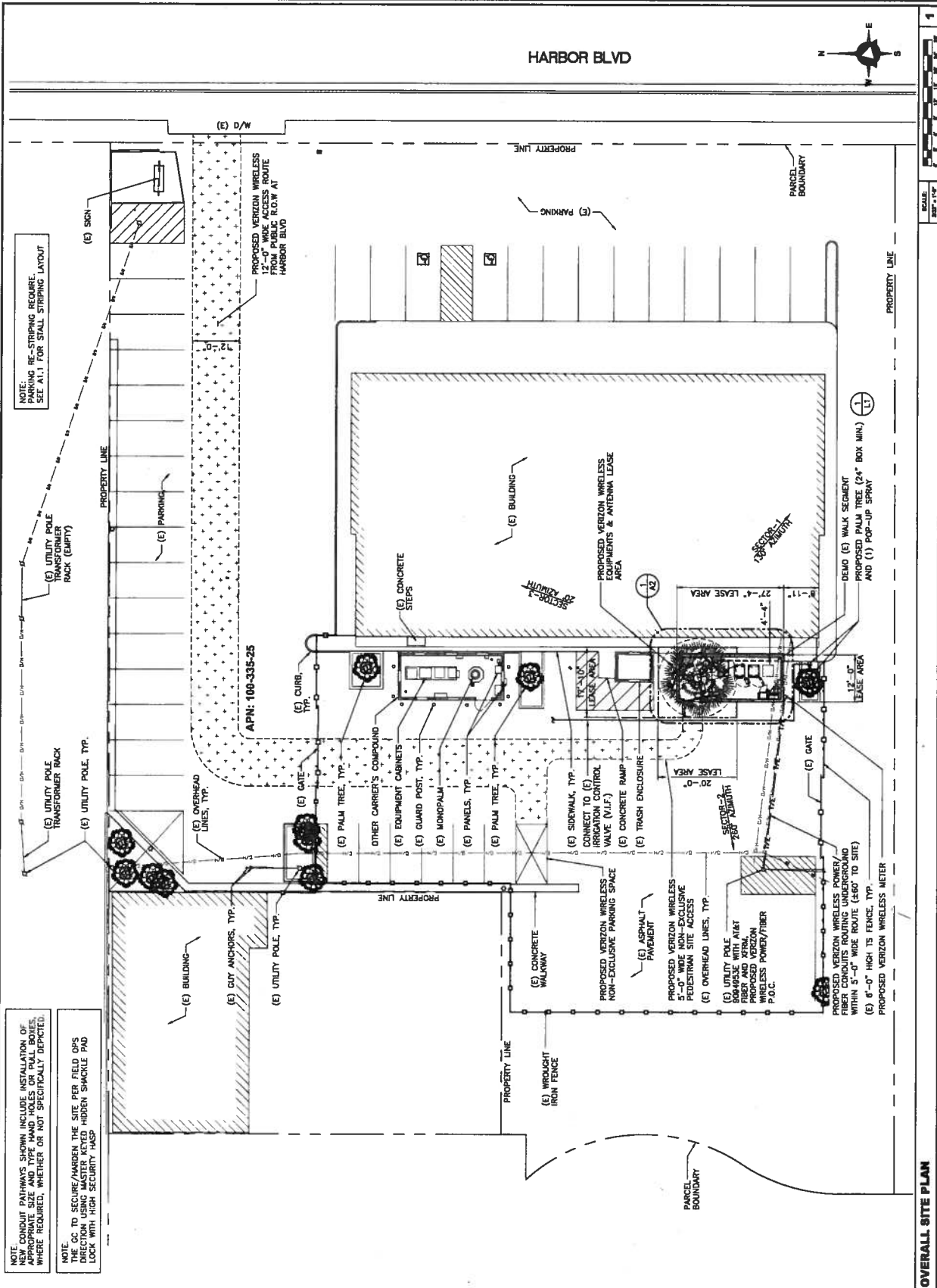
15505 SAND CANYON AVENUE, D1
IRVINE, CA 92618

DUNGAN
13141 HARBOR BLVD,
GARDEN GROVE, CA 92843

SHEET TITLE

OVERALL SITE PLAN

A-1



NOTE: PARKING RE-STRIPING REQUIRE. SEE A1.1 FOR STALL STRIPING LAYOUT

NOTE: AS TO SECURE/HARDEN THE SITE PER FIELD OBS AT DIRECTION USING MASTER KEYED HIDDEN SHACKLE PAD LOCK WITH HIGH SECURITY HASP

NOTE: CONDUIT PATHWAYS SHOWN INCLUDE INSTALLATION OF APPROPRIATE SIZE AND TYPE HAND HOLES OR PULL BOXES, WHERE REQUIRED, WHETHER OR NOT SPECIFICALLY DEPICTED.

OVERALL SITE PLAN

SCALE: 1" = 10'-0"

DATE: 10/21/18

1

ISSUE STATUS	NO.	DATE	DESCRIPTION	BY
1	1/25/10	1/25/10	ISSUED FOR PERMITTING	DD
2	2/12/10	2/12/10	REVISIONS	DD
3	3/12/10	3/12/10	REVISIONS	DD
4	04/12/10	04/12/10	REVISIONS	DD
5	04/12/10	04/12/10	REVISIONS	DD

DELTA GROUPS ENGINEERING, INC.
 COMMERCIAL ENGINEERING
 1000 S. GARDEN GROVE BLVD., SUITE 100
 GARDEN GROVE, CA 92843
 TEL: 949-462-4200 FAX: 949-462-0261
 WWW.DELTACORP.COM
 DOE JOB # 110990104

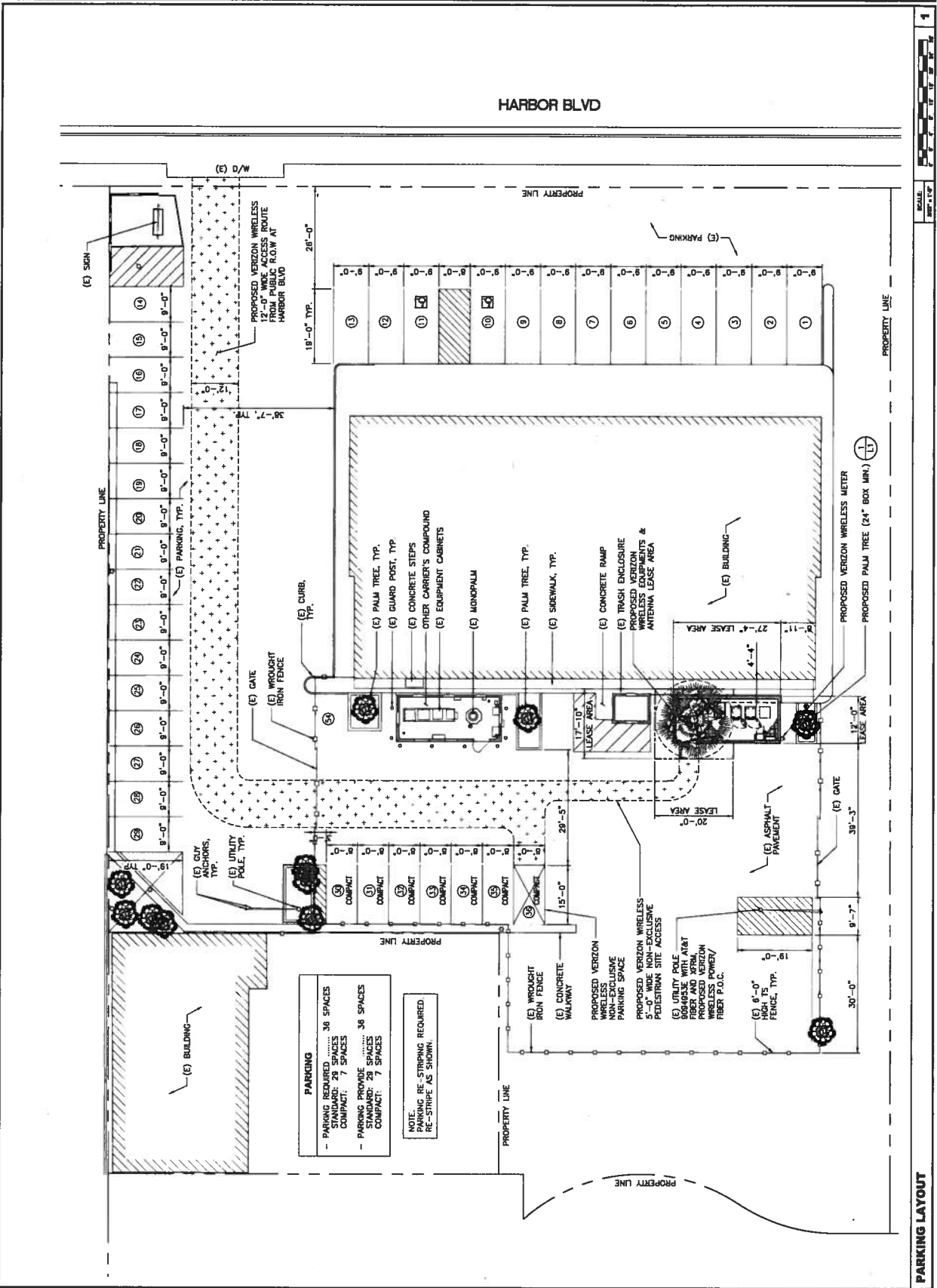
PROPRIETARY INFORMATION
 THIS DRAWING IS THE PROPERTY OF DELTA GROUPS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF DELTA GROUPS ENGINEERING, INC.

Verizon
 15505 SAND CANYON AVENUE, D1
 IRVINE, CA 92618

DUNGAN
 13141 HARBOR BLVD.
 GARDEN GROVE, CA 92843

PARKING LAYOUT

A-1.1



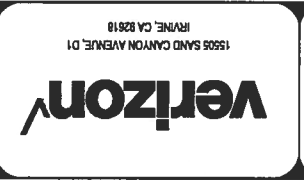
PARKING

- PARKING REQUIRED: 36 SPACES
- STANDARD: 29 SPACES
- COMPACT: 7 SPACES
- PARKING PROVIDED: 36 SPACES
- STANDARD: 29 SPACES
- COMPACT: 7 SPACES

NOTE:
 PARKING RE-STRIPE REQUIRED
 RE-STRIPE AS SHOWN.

REV	DATE	DESCRIPTION	BY
1	10/27/13	ISSUE FOR PERMITS	JD
2	11/15/13	ISSUE FOR PERMITS	JD
3	12/27/13	ISSUE FOR PERMITS	JD
4	01/17/14	ISSUE FOR PERMITS	JD
5	01/17/14	ISSUE FOR PERMITS	JD

DELTA GROUPS ENGINEERING, INC.
 CONSULTING ENGINEERS
 15505 SAND CANYON AVENUE, D1
 IRVINE, CA 92618
 TEL: 949-452-2333 FAX: 949-452-2321
 WWW.DELTACONSTRUCTION.COM
 DELTA GROUPS ENGINEERING, INC. IS AN EQUAL OPPORTUNITY EMPLOYER. ALL CONTRACTORS AND SUBCONTRACTORS MUST BE LICENSED BY THE STATE OF CALIFORNIA. THE VERIZON WIRELESS EQUIPMENT IS THE PROPERTY OF VERIZON WIRELESS. ALL RIGHTS RESERVED. THE VERIZON WIRELESS EQUIPMENT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

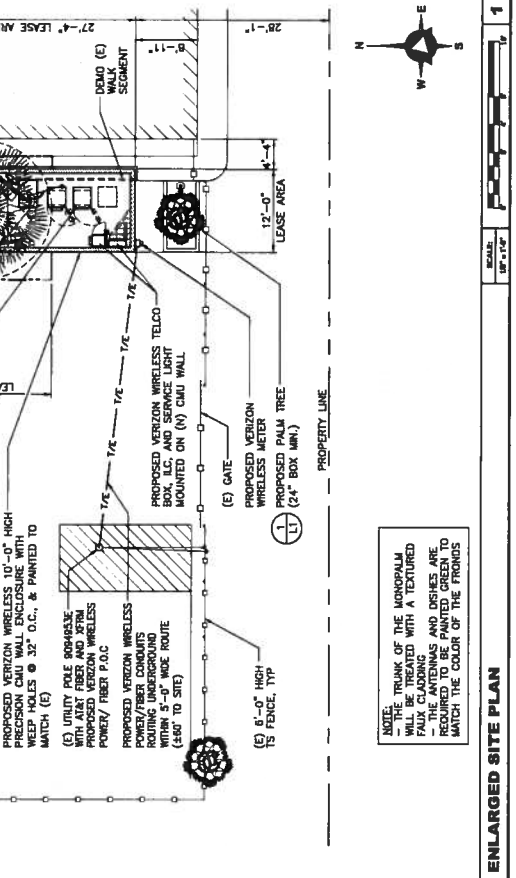
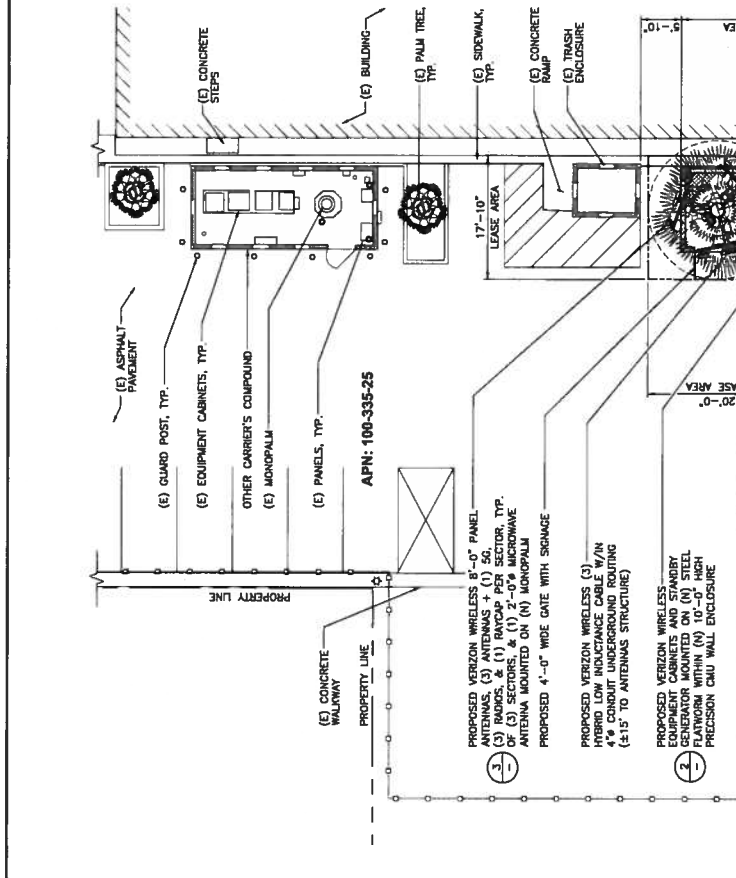


15505 SAND CANYON AVENUE, D1
 IRVINE, CA 92618

DUNGAN
 1314 HARBOR BLVD.
 GARDEN GROVE, CA 92843

SHEET TITLE:
**ENLARGED SITE PLAN,
 EQUIPMENT LAYOUT &
 ANTENNA LAYOUT**

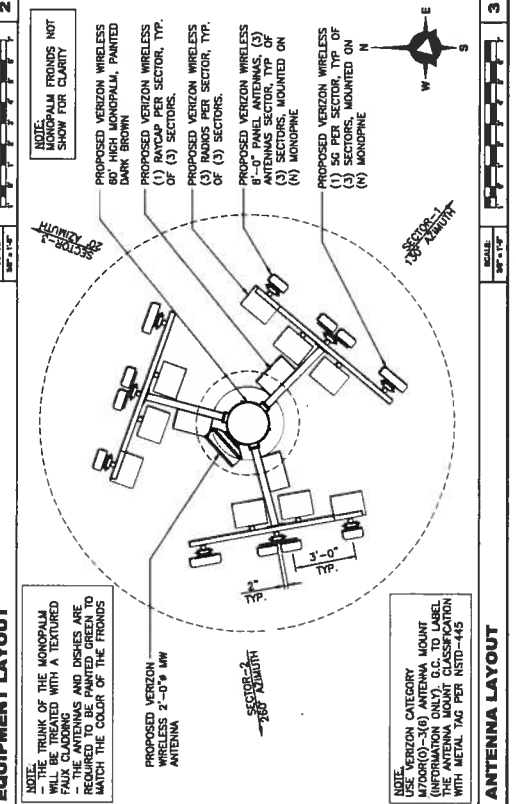
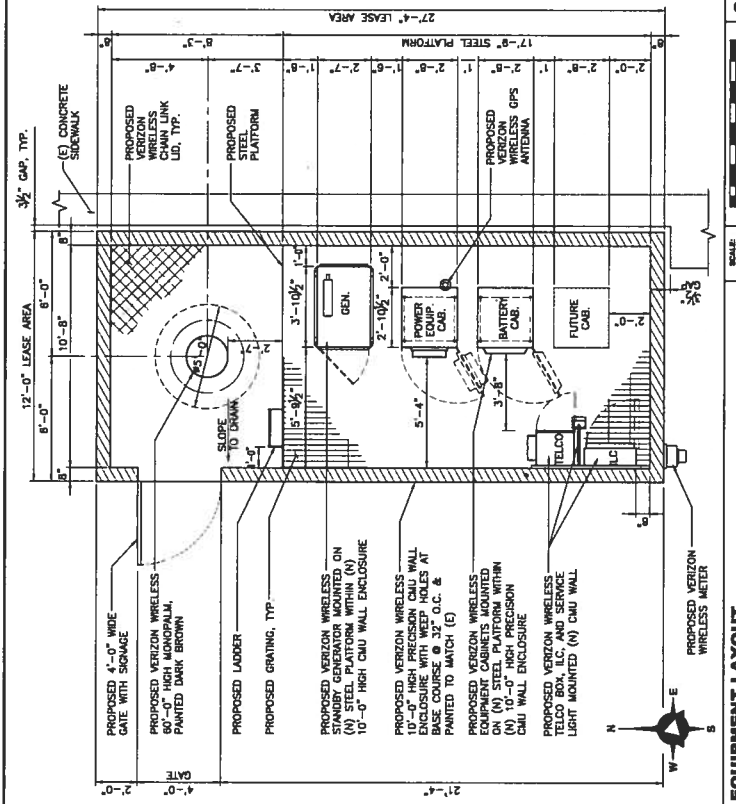
A-2



ENLARGED SITE PLAN

SCALE: 1/8" = 1'-0"

1



ANTENNA LAYOUT

SCALE: 1/8" = 1'-0"

3

NOTE: THE TRUNK OF THE MONOPALM WILL BE PAINTED WITH A TEXTURED PALEX CLADDING. THE ANTENNAS AND DISHES ARE REQUIRED TO BE PAINTED GREEN TO MATCH THE COLOR OF THE FRONDS.

NOTE: MONOPALM FRONDS NOT SHOW FOR CLARITY

PROPOSED VERIZON WIRELESS 80' HIGH MONOPALM, PAINTED DARK BROWN

PROPOSED VERIZON WIRELESS (1) RAYCAP PER SECTOR, TYP. OF (3) SECTORS.

PROPOSED VERIZON WIRELESS (3) RADIOS PER SECTOR, TYP. OF (3) SECTORS.

PROPOSED VERIZON WIRELESS 8'-0" PANEL ANTENNAS, (3) ANTENNAS PER SECTOR, TYP. OF (3) SECTORS, MOUNTED ON (N) MONOPALM

PROPOSED VERIZON WIRELESS (1) 56 PER SECTOR, TYP. OF (3) SECTORS, MOUNTED ON (N) MONOPALM

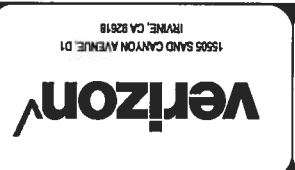
NOTE: THE VERIZON CATEGORY USE INFORMATION (CUI) IS PROVIDED FOR INFORMATION ONLY. O.C. TO LABEL THE ANTENNA MOUNT CLASSIFICATION WITH METAL TAG PER NSTD-445

NO.	DATE	DESCRIPTION	BY
1	11/08/19	WORK SET	JD
2	12/02/19	WORK SET	JT
3	06/20/20	WORK SET	JT
4	08/27/20	WORK SET	JT
5	09/21/20	WORK SET	JT

DELTA GROUPS
ENGINEERING, INC.
CONSULTING ENGINEERS

15505 SAND CANYON AVENUE, SUITE 200
IRVINE, CA 92618
TEL: 949.453.3333 FAX: 949.453.3321
WWW.DELTACONSULTING.COM
CDE JOB # 19VW004A

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS THE PROPERTY OF DELTA GROUPS ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN.



DUNGAN
13141 HARBOR BLVD.
GARDEN GROVE, CA 92843

SHEET TITLE:
SOUTH AND WEST ELEVATIONS

A-3

NOTE:
- TRUNK OF THE MONOPALM WILL BE TREATED WITH A TEXTURED FAUX CLADDING
- THE ANTENNAS AND DISHES ARE REQUIRED TO BE PAINTED GREEN TO MATCH THE COLOR OF THE FRONDS

PROPOSED VERIZON WIRELESS 8'-0" PANEL ANTENNAS, (3) ANTENNAS + (1) 5G, (3) RADARS, & (1) RAYCAP MOUNTED ON (N) MONOPALM

PROPOSED VERIZON WIRELESS 2'-0" MICROWAVE ANTENNA (RAD. CENTER, & AZIMUTH I.B.D.)
(E) PALM TREE, TYP. (BEYOND)
PROPOSED PALM TREE (24" BOX MIN.)
PROPOSED VERIZON WIRELESS 60' HIGH MONOPALM, PAINTED DARK BROWN
PROPOSED VERIZON WIRELESS STANDBY CARRIER'S COMPOUNT WITH (N) STEEL PLATFORM WITHIN (N) 10'-0" HIGH PRECISION CHU WALL ENCLOSURE
PROPOSED VERIZON WIRELESS TELCO BOX, I.L.C. AND SERVICE LIGHT MOUNTED (N) CHU WALL
PROPOSED VERIZON WIRELESS WALL ENCLOSURE WITH PROPOSED WEEP HOLES AT BASE COURSE @ 3/2" O.C. AND PAINTED TO MATCH (E) FINISH GRADE
(E) 6'-0" HIGH TS FENCE, TYP.
PROPOSED VERIZON WIRELESS METER

PROPOSED VERIZON WIRELESS EQUIPMENT CABINETS MOUNTED ON (N) STEEL PLATFORM WITHIN (N) 10'-0" HIGH PRECISION CHU WALL ENCLOSURE

SOUTH ELEVATION

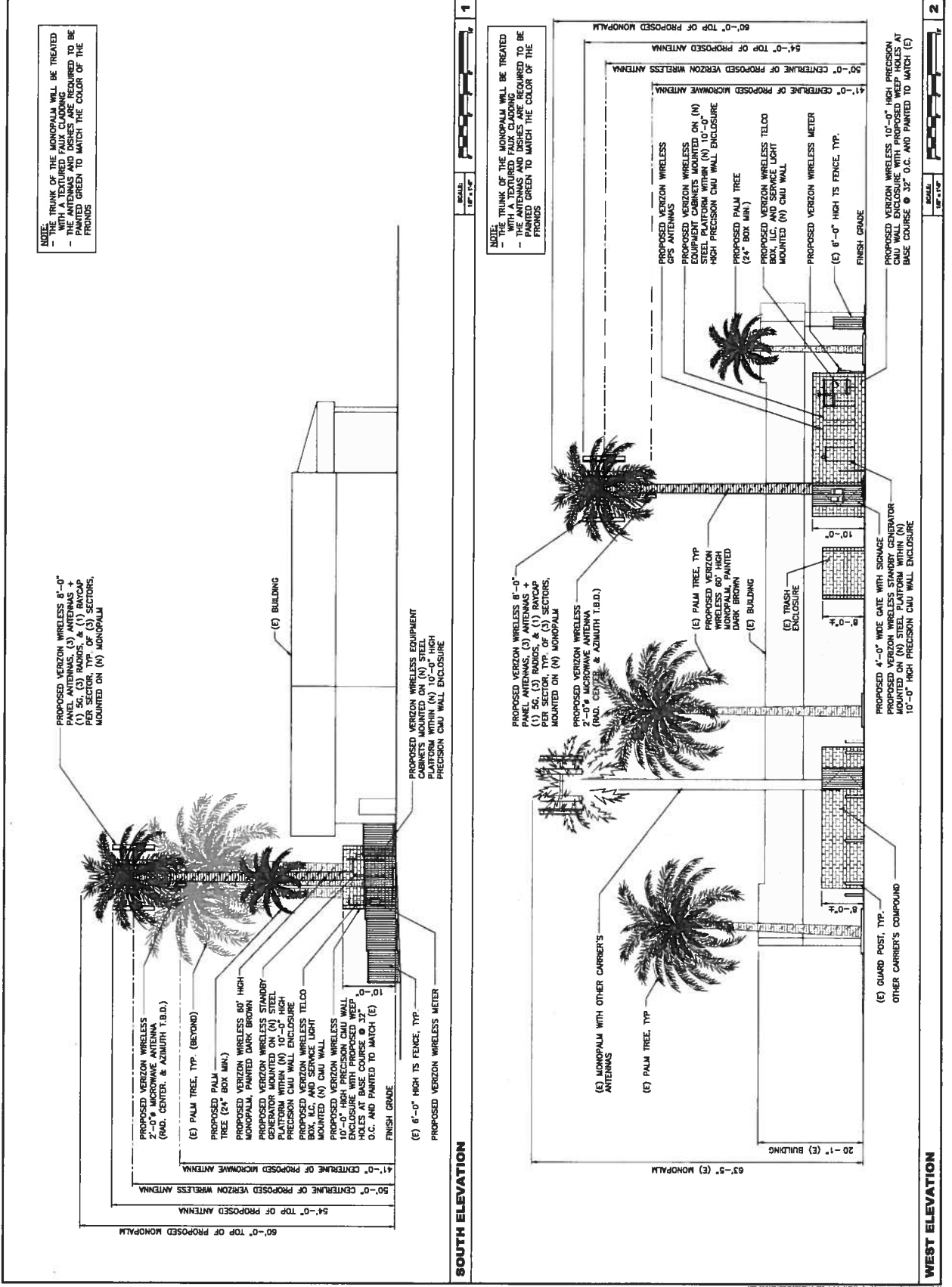
NOTE:
- TRUNK OF THE MONOPALM WILL BE TREATED WITH A TEXTURED FAUX CLADDING
- THE ANTENNAS AND DISHES ARE REQUIRED TO BE PAINTED GREEN TO MATCH THE COLOR OF THE FRONDS

PROPOSED VERIZON WIRELESS 8'-0" PANEL ANTENNAS, (3) ANTENNAS + (1) 5G, (3) RADARS, & (1) RAYCAP MOUNTED ON (N) MONOPALM
PROPOSED VERIZON WIRELESS 2'-0" MICROWAVE ANTENNA (RAD. CENTER, & AZIMUTH I.B.D.)
(E) PALM TREE, TYP.
PROPOSED VERIZON WIRELESS STANDBY CARRIER'S COMPOUNT WITH (N) MONOPALM, PAINTED DARK BROWN
(E) BUILDING
(E) TRASH ENCLOSURE
PROPOSED 4'-0" WIRE GATE WITH SIGNAGE
PROPOSED VERIZON WIRELESS STANDBY GENERATOR MOUNTED ON (N) MONOPALM WITHIN 10'-0" HIGH PRECISION CHU WALL ENCLOSURE

(E) MONOPALM WITH OTHER CARRIER'S ANTENNAS
(E) PALM TREE, TYP.
(E) GUARD POST, TYP. OTHER CARRIER'S COMPOUNT

PROPOSED VERIZON WIRELESS 10'-0" HIGH PRECISION CHU WALL ENCLOSURE WITH PROPOSED WEEP HOLES AT BASE COURSE @ 3/2" O.C. AND PAINTED TO MATCH (E)

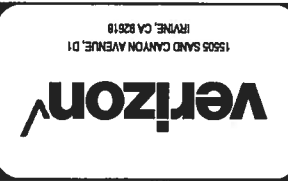
WEST ELEVATION



REV	DATE	DESCRIPTION	BY
1	10/29/18	ISSUE	AD
2	10/29/18	ISSUE	AD
3	10/29/18	ISSUE	AD
4	10/29/18	ISSUE	AD

DELTA GROUPS ENGINEERING, INC.
 COMMERCIAL ENGINEERING
 1000 S. GARDEN GROVE BLVD., SUITE 100
 GARDEN GROVE, CA 92643
 TEL: 949.440.2000 FAX: 949.440.2001
 WWW.DELTACORP.COM
 OCE JOB # 181000014

PROPRIETARY INFORMATION
 THIS DRAWING IS THE PROPERTY OF DELTA GROUPS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DELTA GROUPS ENGINEERING, INC.



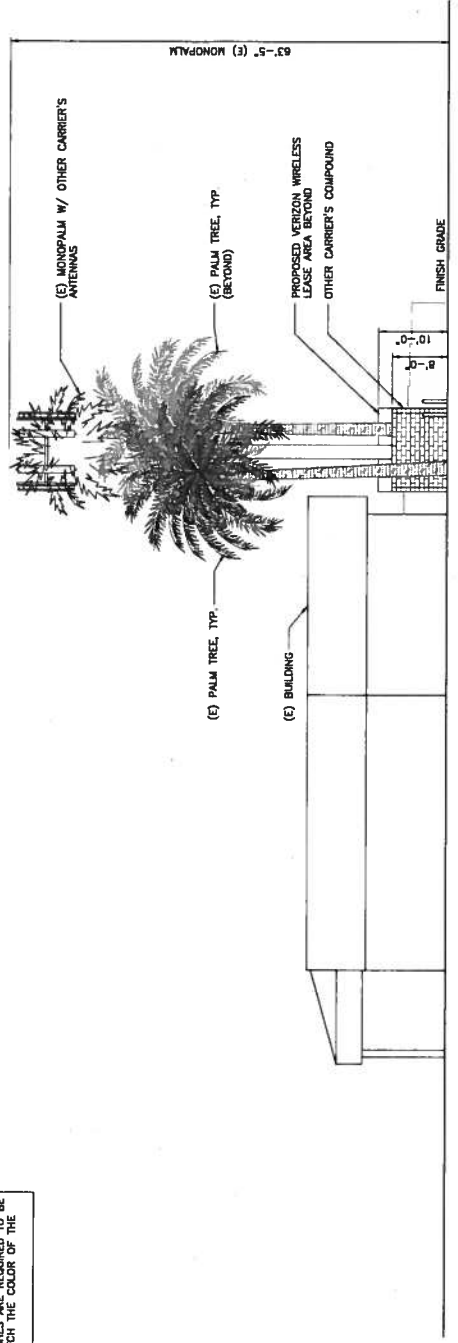
15505 SAND CANYON AVENUE, D1
 IRVINE, CA 92618

DUNGAN
 13141 HARBOR BLVD.
 GARDEN GROVE, CA 92643

SHEET TITLE:
NORTH AND EAST ELEVATIONS

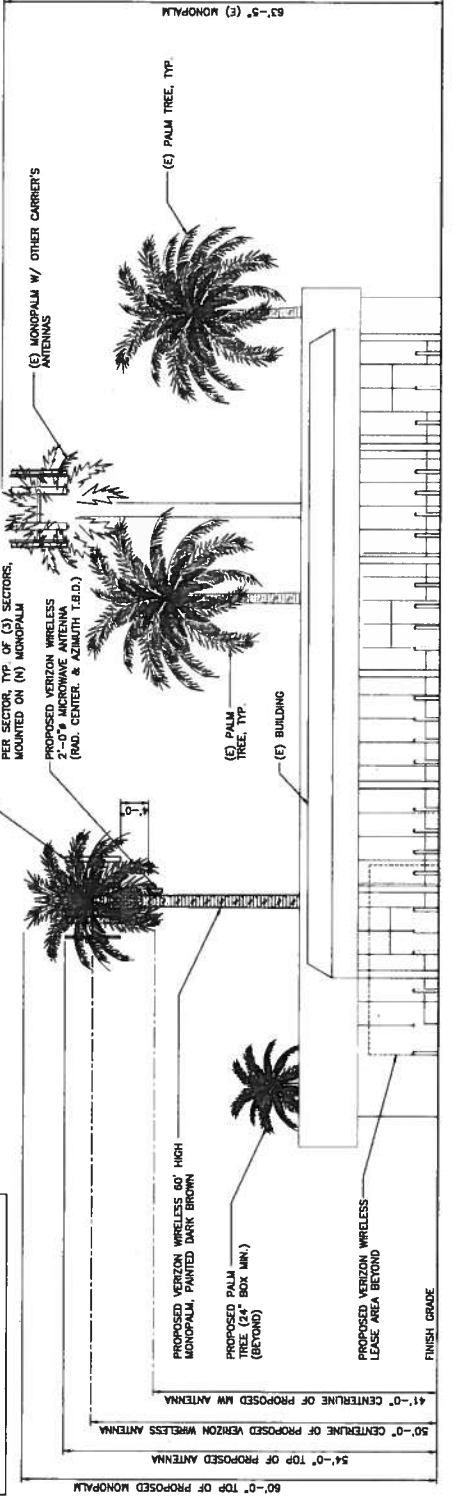
A-4

NOTES:
 - THE TRUNK OF THE MONOPALM WILL BE TREATED WITH AN ANTI-RUST PRODUCT.
 - THE ANTENNAS AND DISHES ARE REQUIRED TO BE PAINTED GREEN TO MATCH THE COLOR OF THE FRONDS



NORTH ELEVATION

NOTES:
 - THE TRUNK OF THE MONOPALM WILL BE TREATED WITH AN ANTI-RUST PRODUCT.
 - THE ANTENNAS AND DISHES ARE REQUIRED TO BE PAINTED GREEN TO MATCH THE COLOR OF THE FRONDS



EAST ELEVATION

SCALE: 1/8" = 1'-0"

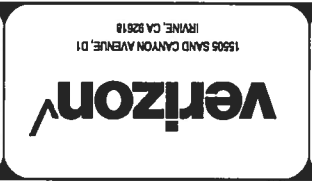
SCALE: 1/8" = 1'-0"

ISSUE STATUS

REV	DATE	DESCRIPTION	BY
1	11/08/15	WORK 2D	JD
2	02/02/16	WORK 3D	JD
3	02/02/16	WORK 2D	JD
4	02/02/16	WORK 3D	JD

DELTA GROUPS
ENGINEERING, INC.
CONSULTING ENGINEERS
15505 SAND CANYON AVENUE, D1
IRVINE, CA 92618
TEL: 949.453.3333 FAX: 949.453.3321
WWW.DELTACONSTRUCTION.COM
CDE JOB # 111010104

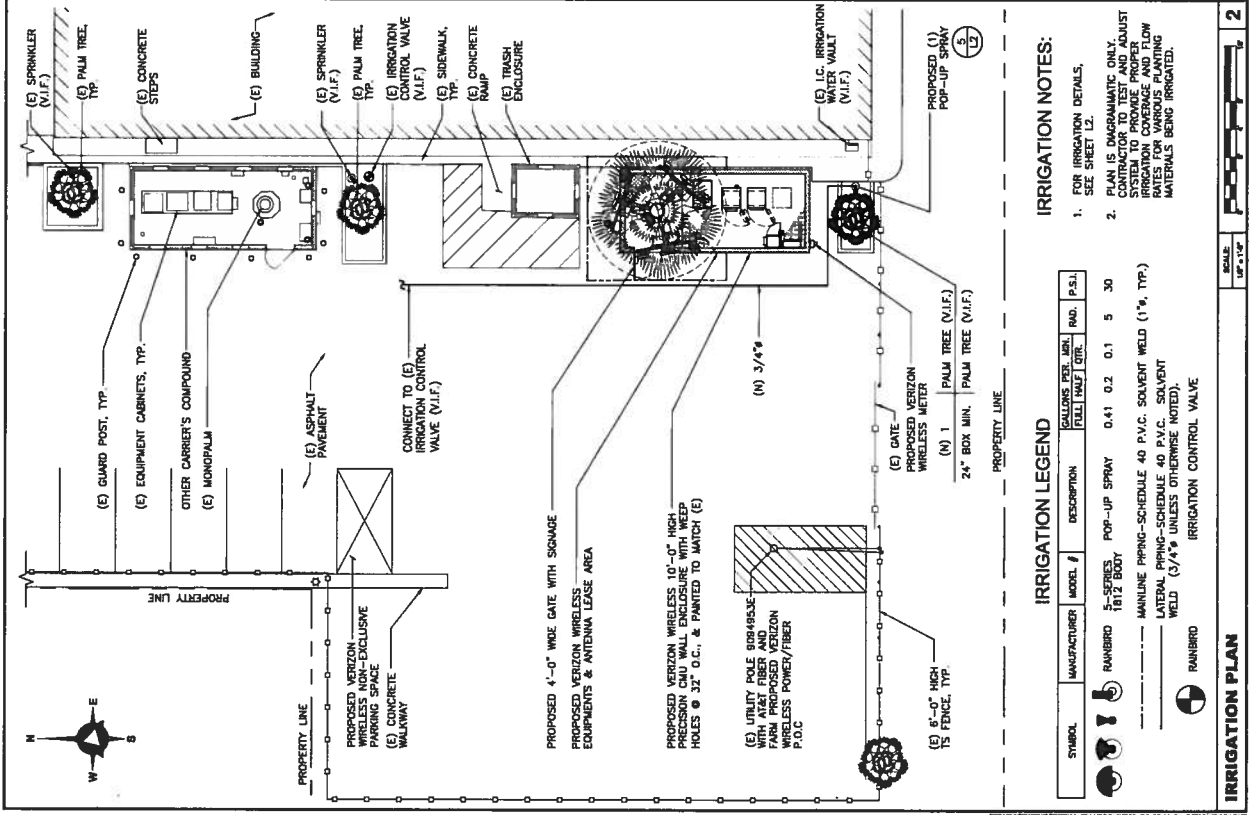
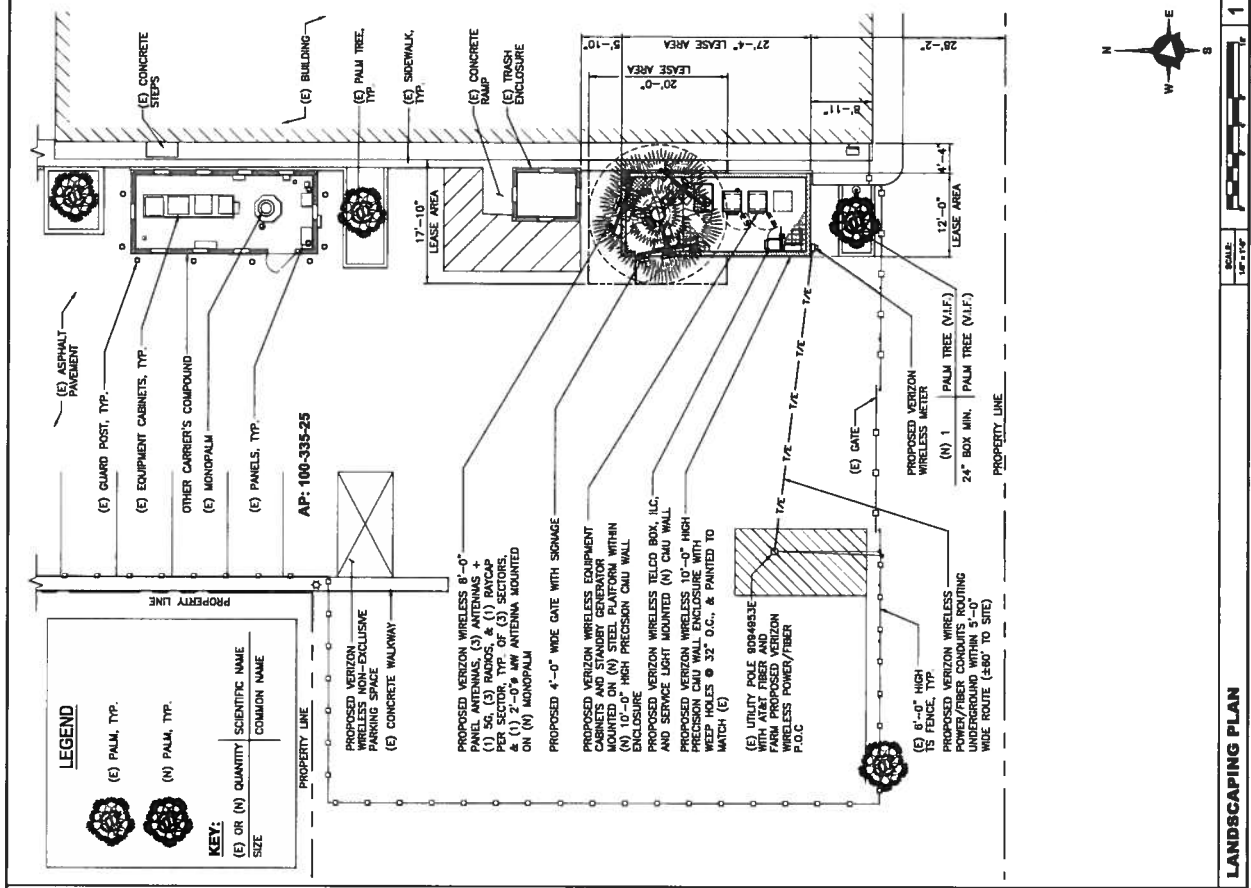
PROPRIETARY INFORMATION
THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF DELTA GROUPS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



DUNGAN
13141 HARBOR BLVD.
GARDEN GROVE, CA 92843

SHEET TITLE
PLANTING PLAN
AND IRRIGATION PLAN

L-1



SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

LANDSCAPING PLAN

IRRIGATION PLAN

ISSUE STATUS		
NO.	DATE	DESCRIPTION
1	10/28/19	REVISED
2	12/02/19	REVISED
3	02/02/20	REVISED
4	05/27/20	REVISED

DELTA GROUPS ENGINEERING, INC.
 CONSULTING ENGINEERS
 15505 SAND CANYON AVENUE, D1
 HAYWARD, CA 92018
 TEL: 510.422.2000 FAX: 510.422.2001
 WWW.DELTACONSULTING.COM

PROPRIETARY INFORMATION
 THIS DRAWING IS THE PROPERTY OF DELTA GROUPS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF DELTA GROUPS ENGINEERING, INC.

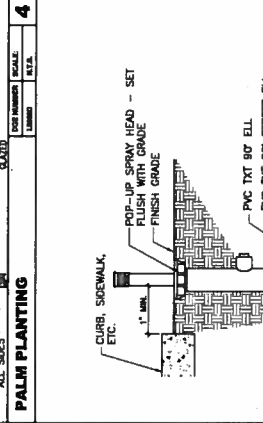
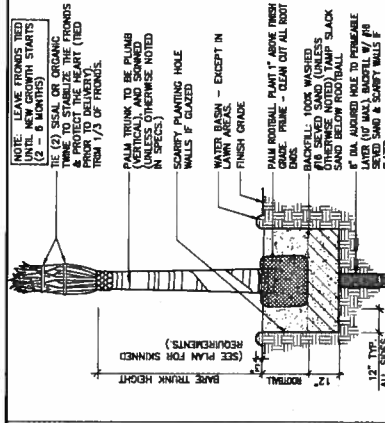
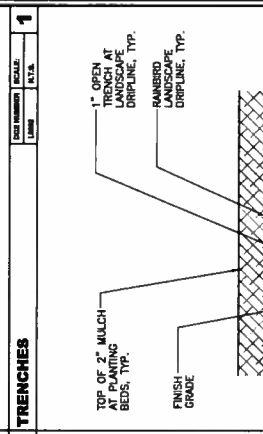
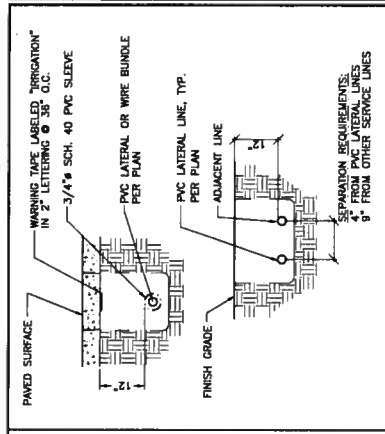
DATE: 05/27/20
 PROJECT: 191900010A

Verizon
 15505 SAND CANYON AVENUE, D1
 HAYWARD, CA 92018

DUNGAN
 1314 HARBOR BLVD.
 GARDEN GROVE, CA 92843

SHEET TITLE:
DETAILS

L-2



DIGALERT
 DIAL TOLL FREE
 1-800-422-4133
 AT LEAST TWO DAYS BEFORE YOU DIG

DIGALERT

NO.	DATE	DESCRIPTION
1	10/28/19	REVISED
2	12/02/19	REVISED
3	02/02/20	REVISED
4	05/27/20	REVISED

NO.	DATE	DESCRIPTION
1	10/28/19	REVISED
2	12/02/19	REVISED
3	02/02/20	REVISED
4	05/27/20	REVISED

NO.	DATE	DESCRIPTION
1	10/28/19	REVISED
2	12/02/19	REVISED
3	02/02/20	REVISED
4	05/27/20	REVISED

NO.	DATE	DESCRIPTION
1	10/28/19	REVISED
2	12/02/19	REVISED
3	02/02/20	REVISED
4	05/27/20	REVISED

RESOLUTION NO. 5960-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-162-2019 FOR CONSTRUCTION AND OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY ON PROPERTY LOCATED AT 13131 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 100-335-25.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-162-2019, for a parcel of land located on the west of Harbor Boulevard, between Banner Drive and Garden Grove Boulevard, at 13141 Harbor Boulevard, Assessor's Parcel No. 100-335-25.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-162-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Los Angeles SMSA LP, dba. Verizon Wireless.
2. The applicant is requesting Conditional Use Permit (CUP) approval to allow for the construction and operation of a 60'-0" tall, unmanned wireless telecommunication facility disguised as a palm tree (mono-palm) along with a 10'-0" tall equipment enclosure and site improvements, at 13141 Harbor Boulevard (Assessor's Parcel No. 100-335-25).
3. Pursuant to the California Environmental Quality Act ("CEQA"), the proposed project is categorically exempt from CEQA pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Reg., Section 15303).
4. The property has a General Plan Land Use designation of International West Mixed Use (IW), and is zoned Harbor Corridor Specific Plan – Transition South (HCSP TS). The site is improved with an approximately 7,200 square foot commercial building.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on August 1, 2019, 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 August 1, 2019; and

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

FACTS:

The subject site is approximately 1.03-acres, located at 13141 Harbor Boulevard, between Banner Drive and Garden Grove Boulevard. The site is improved with an approximately 7,200 square-foot commercial building that is currently occupied by a clothing retail store, MJ T Max Inc.

The subject site is zoned Harbor Corridor Specific Plan – Transition South (HCSP TS), and has a General Plan Land Use Designation of International West Mixed Use (IW). The subject site abuts Harbor Corridor Specific Plan – District Commercial (HCSP-DC) zoned properties improved with commercial buildings to the north; HCSP-TS zoned properties, also improved with commercial buildings, to the south and to the east, across Harbor Boulevard; and Single-Family Residential (R-1) zoned properties to the west, across Roan Road.

On August 21, 2003, the Garden Grove Planning Commission approved Conditional Use Permit No. CUP-115-03, initiated by Sprint PCS, to allow the construction and operation of a 59'-0" tall, unmanned, wireless telecommunication facility disguised as a palm tree (mono-palm) along with related site improvements, including planting new palm trees, re striping parking, removing graffiti and illegal dumping, and installing a new wrought iron fence around the rear parking area of the subject property. The approved mono-palm is located behind the existing building, and has been and will continue to be in operation since its construction.

The applicant, Verizon Wireless, requests to construct and operate a new, unmanned, 60'-0" tall mono palm wireless facility south of the existing mono-palm, behind the existing building. The subject location has been selected to achieve the functional requirements set by Verizon Wireless; however, the existing mono-palm facility is considered not co-locatable as there is not a satisfactory space to conceal new antennas, nor is there space in the existing equipment enclosure for additional cabinets. For that reason, a new stealth structure is proposed to resolve the current the challenge.

A new facility is needed by Verizon in order to relieve network traffic congestion, and ensure reliable levels of service due to Verizon's existing and surrounding wireless facilities becoming overloaded beyond their capacity. In order to allow the construction of the proposed mono-palm, a new Conditional Use Permit is required.

FINDINGS AND REASONS:

1. The proposed use will be consistent with the City's adopted General Plan.

The property has a General Plan Land Use designation of International West (IW), and is zoned Harbor Corridor Specific Plan – Transition South (HCSP-TS). The International West Land Use designation is intended to function as the City's resort area that provides 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. Goal LU-4

of the General Plan provides for the development of uses that are compatible with one another; while Goal LU-6 encourages the revitalization of commercial centers. New stealth wireless telecommunications facilities are conditionally permitted in the HCSP-TS zone. A telecommunication facility disguised as a mono-palm was approved on the subject property in 2003 through Conditional Use Permit No. CUP-115-03. Now, the applicant proposes to construct a new mono-palm in order to improve the service coverage area for Verizon wireless customers. The proposed mono-palm is compatible with the surrounding uses, and through its mono-palm design, the facility will blend into the existing environment.

In addition, as part of the project, site improvements are proposed that will aesthetically enhance the subject property, including re-stripping the parking lot, removing graffiti, repairing the trash enclosure, and removing overgrown and dead vegetation. The proposed wireless telecommunication facility is designed to comply with the development standards set forth by Title 9 of the Municipal Code, including height and stealthness.

The proposed use is consistent with the General Plan provided that the operation of the wireless facility complies with the conditions of approval.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area or will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, as the wireless facility has been designed to comply with the development standards of the zone, while the mono-palm design will allow the facility to blend into the existing environment.

A wireless telecommunication facility disguised as a mono-palm was approved, and had been operating on the property, since 2003. Verizon wireless proposes a new mono-palm in order to improve their coverage area. Collocation to the existing wireless facility is not possible due to the design of the existing mono-palm that cannot accommodate additional antennas. The mono-palm will be designed to have a natural appearance and one live, mature palm tree, will be planted adjacent to the mono-palm to minimize any negative aesthetic impacts. The project will improve local connectivity for Verizon customers as they travel through the City.

In addition, site improvements are proposed to the site that will enhance the visual appearance of the property, including re-striping the parking lot to provide the required number of on-site parking spaces; removing graffiti; and repairing the trash enclosure.

Finally, the use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The antennas and equipment are required to adhere to all FCC regulations prohibiting such facilities from interfering with public safety.

All appropriate conditions of approval have been incorporated to minimize impacts to adjacent properties. Provided the conditions of approval are adhered to for the life of the project, the use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. Improvements to the parking lot are proposed in order to provide the required number of on-site parking spaces to serve the commercial use. A total of 36 parking spaces will be provided on-site which complies with the parking requirements of the Municipal Code. In addition, the vehicular gate from the wrought iron fence, that secures the rear parking area, is required to remain open during business hours for customers and employees to use.

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

The site is adequately served by Harbor Boulevard with one (1) accessible driveway providing both ingress and egress. The site is also adequately served by the public service facilities such as gas, electric, water, and sewer.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-162-2019.

EXHIBIT "A"

Conditional Use Permit No. CUP-162-2019

13141 Harbor Boulevard

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, Los Angeles SMSA LP, dba Verizon Wireless, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved 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 approved site plan or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature, shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Police Department

6. In order to facilitate the City's rules of the regulation, placement, and construction of, and its interaction with, the City's Public Safety

Communications Equipment Operation of the Wireless Communications Facilities ("WCF"), the applicant and all successors shall agree as follows:

- a. The applicant recognizes that the frequencies used by the WCF located at 13141 Harbor Boulevard may be close to the frequencies used by the City of Garden Grove for public safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public-Safety Communications Officials-International, Inc. (APCO) and as endorsed by the Federal Communications Commission (FCC). Applicant shall comply with such Good Engineering Practices as may be amended from time to time by the FCC in its Rules and Regulations and shall comply with all FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- b. In the event the WCF is identified as causing radio frequency interference with the City's Public Safety Communications Equipment, the following steps shall be taken:
 - i. Upon notification by the City of interference with Public Safety Communications equipment, the applicant (Verizon Wireless) shall utilize the hierarchy and procedures set forth in the Best Practices Guide. If the applicant (Verizon Wireless) fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take such steps under law, including the initiation of appropriate proceedings with the FCC, to eliminate the interference.
 - ii. If there is a determination of radio frequency interference with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference.
7. The applicant shall provide a 24-hour phone number to which interference problems can be reported. This condition will also apply to all existing facilities operated by the provider in the City of Garden Grove.

8. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and e-mail address of that person shall be provided to the City's designated representative upon activation of the facility.
9. The applicant shall ensure that any lessee or other users of the WCF shall comply with the terms and conditions of this permit and the applicant shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.

Community and Economic Development Department

10. The applicant shall be responsible for maintenance and up-keep of the telecommunication facility.
11. The applicant and the property owner shall be responsible for maintaining free from debris, and litter, those areas of the site that are adjacent to the premises over which he/she has control.
12. The applicant and/or 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 after it is discovered, but not later than 72 hours after discovery.
13. The antenna structure shall be designed and disguised as a palm tree (mono-palm) measured to the top at 60'-0" tall. The wireless antennas shall not exceed 54'-0" in height, measured to the top of the antennas (50'-0" to the centerline of the antennas), and the branches shall not exceed 60'-0" in height. The antennas shall not exceed the height of the wireless communications pole. Conditions of approval have been incorporated that will ensure the mono-palm will maintain a natural appearance. All attached equipment (i.e., antennas, T-arm antenna mounts, and other attached equipment) will be sufficiently screened and remain stealth by the foliage of the branched and leaves. In order to maintain a natural appearance, the following conditions shall apply:
 - a. The mono-palm shall have a high frond count that are spaced and designed to hide the antennas.
 - b. Synthetic palm frond lengths shall vary to maintain a natural appearance.

- c. The trunk shall be covered in textured rubber to look like real bark.
 - d. The antennas are required to be painted green to match the color of the fronds.
 - e. There shall be no climbing pegs on the mono-palm below a height of 15' 0", except when temporarily installed to service the antennas.
14. A ten (10) foot high block wall shall be constructed around the perimeter of the designated area for the ground-mounted equipment related to the mono-palm, and shall match the design pattern of the existing wireless enclosure. There shall be no barb and/or razor wire on the enclosure. Fencing shall be placed across the top of enclosure to prevent access into the enclosure.
15. The equipment shall not extend above the top of the equipment enclosure.
16. The applicant shall submit a material sample of the bark and the leaves to the Planning Services Division for review and approval as part of the plan check submittal application.
17. The Conditional Use Permit (CUP) grants the right to the applicant to construct and use a telecommunication facility on the premises. The City, however, has concerns about the potential adverse aesthetic and other health and safety impacts of the antennas, and utility and/or mechanical equipment on the surrounding community. It is possible that future technological improvements may make the proposed telecommunication facility unnecessary or obsolete or outdated aesthetically, therefore, the particular antenna and related equipment shall be reviewed ten years from the date of this approval. At that time, the cellular provider operating the site shall agree to and update the facility as may be required by the Community and Economic Development Director or his/her designee.
18. The City reserves the right to periodically reevaluate the antennas, and utility and/or mechanical equipment in terms of the continued need for these structures in their current size, height, and configuration, and the actual impacts on the neighborhood, community, and environment.
19. Prior to the end of the fifth (5th) year, there will be an administrative review for compliance with the conditions of approval.
20. In order to address concerns regarding radio emissions, the following conditions shall be complied with:
 - a. Radio frequency emissions shall not exceed the radio frequency emission guidelines of the Federal Communication Commission (FCC); as such guidelines may be amended from time to time.

- b. Prior to January 1, 2021, and each January 1st thereafter, the operator shall file with the City of Garden Grove Community and Economic Development Department for approval, a certification of compliance prepared by an independent third party, qualified to measure radio frequency emissions.
21. The operator/property owner shall make the antenna structure available for co-location for other service providers. If an additional wireless provider proposes to locate on the subject facility, the new appurtenances (including, but not limited to: antennas, microwave dishes, T-arm mounts, and other related wireless attachments) shall be fully screened in order to maintain the facility's stealth design.
22. In the case of collocation of telecommunication facilities, the applicant, together with the owner of the subject site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the City's Public Safety Communications Equipment.
23. In the event that the communication facility is abandoned or its use is discontinued, the property owner shall remove all improvements within sixty days of abandonment or discontinuance of the use, whichever occurs first.
24. The applicant and/or property owner shall re-stripe the existing vehicle parking area per the approved plan in order to provide the required number of parking spaces for the existing commercial building. The rear parking area gate shall remain open during business hours.
25. The damaged trash enclosure shall be repaired or replaced per City's standards B-502 within 30 days of approval.
26. All property maintenance deficiencies subject to sections 9.16.040.090, 9.16.010.140(E) and (I), and Article VI of Chapter 9.32 of the Municipal Code shall be corrected by the property owner to the satisfaction of the Community and Economic Development Department prior to the final City clearance that all work has been completed in compliance with building permits for the installation of any communication equipment.
27. To minimize any negative aesthetic impacts that the mono-palm may create, the applicant shall install one (1) live palm tree adjacent to the proposed mono-palm, and align with the existing palm trees. The palm tree shall be of a mature height of 30'-0" to 45'-0", and a species that will grow to a height similar to the mono-palm. A detailed landscaping plan shall be submitted and approved by the City of Garden Grove Community and Economic Development Department. The applicant shall be responsible for maintaining the additional landscaping pertaining to the telecommunication facility.

28. Hours and days of construction shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.010, referred to as the Noise Control Ordinance.
29. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-162-2019, and their agreement with all conditions of the approval.
30. There shall be no other antennas or mechanical equipment installed on the tree without obtaining approval from the Planning Services Division.
31. If deemed necessary by the Community and Economic Development Department Director, the Conditional Use Permit may be reviewed within one (1) year from the date of this approval, and every three (3) year thereafter, in order to determine if the business is operating in compliance.
32. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-162-2019 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
33. 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 CUP-162-2019. 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.

Building and Safety Division

34. All new construction shall comply with the latest California Uniform Building Code as adopted by the City of Garden Grove, and all other applicable codes such as the U.P.C, Mechanical Code, U.F.C., and Electrical Code.
35. The applicant shall submit the soil report to Building and Safety for review and approval prior issuance of the Building permit.

Fire Department

36. The applicant shall provide the appropriate Fire Department notes on the building plans that will be submitted to the Building Services Division for plan check review.
37. The applicant shall complete a Fire Department Hazardous Materials packet, and submit a copy to the City with the initial plan check submittal packet.
38. The applicant and subsequent operator(s) shall provide 2A 10 BC Extinguisher in the equipment cabinet prior to granting approval of final.
39. The applicant and subsequent operator(s) shall place and display a hazardous materials placard(s)/sign(s), to NFPA 704 Standards, on the equipment enclosure.

Engineering Department

40. An encroachment permit from the City is required prior to any construction in the public right-of-way.
41. No equipment is to be placed on the City of Garden Grove public right-of-way.