



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

SEPTEMBER 17, 2015

COURTYARD CENTER
12732 MAIN STREET

REGULAR SESSION – 7:00 P.M. COURTYARD CENTER

ROLL CALL: CHAIR O'NEILL, VICE CHAIR KANZLER
COMMISSIONERS MAI, MARGOLIN, PAK, PAREDES, ZAMORA

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

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

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the Courtyard Center 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: September 3, 2015
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. CONDITIONAL USE PERMIT NO. CUP-047-2015

APPLICANT: BODHI YOUTH OF AMERICA, INC.
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD,
EAST OF NEWLAND STREET AT 8762 GARDEN
GROVE BOULEVARD #102

REQUEST: Conditional Use Permit approval to operate a new, approximately 3,748 square foot, educational institution, Bodhi Youth of America, at 8762 Garden Grove Boulevard #102. The project is exempt pursuant to CEQA Section 15301 - Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-047-2015, subject to the recommended conditions of approval.

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

GARDEN GROVE PLANNING COMMISSION
Courtyard Center, 12732 Main Street, Garden Grove, CA 92840

Regular Meeting Minutes
Thursday, September 3, 2015

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair O'Neill
Vice Chair Kanzler
Commissioner Mai
Commissioner Margolin
Commissioner Pak
Commissioner Paredes
Commissioner Zamora

Absent: Mai, Zamora

PLEDGE OF ALLEGIANCE: Led by Commissioner Margolin.

ORAL COMMUNICATIONS – PUBLIC: None.

AUGUST 20, 2015 MINUTES:

Action: Received and filed with amendments.

Motion: Margolin Second: Kanzler

Ayes: (5) Kanzler, Margolin, O'Neill, Pak, Paredes

Noes: (0) None

Absent: (2) Mai, Zamora

CONTINUED PUBLIC HEARING – VARIANCE NO. V-011-2015. FOR PROPERTY LOCATED AT 11102 GARDEN GROVE BOULEVARD, SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF EUCLID STREET.

Applicant: David Webber
Date: September 3, 2015

Request: Variance approval to deviate from the required number of parking spaces, Municipal Code Section 9.18.140.030 (Parking Spaces Required), and to reduce the required percentage of landscaping for surface parking lots, Municipal Code Section 9.18.140.070.b.1.a (Surface Parking Lot Landscaping), to allow the operation of a new 14,300 square foot restaurant/eating establishment, East Seafood Buffet. The site is in the CC-3 (Civic Center Core) zone. This project is

exempt pursuant to CEQA Section 15301 – Existing Facilities and 15332 – In-Fill Development Projects.

Action: Public Hearing held. Speaker(s): David Webber. Rick Jerabek of Costco Wholesale submitted a letter in favor of the request.

Action: Resolution of Approval No. 5848-15 approved.

Motion: Kanzler Second: Pak

Ayes: (3) Kanzler, Pak, Paredes

Noes: (2) Margolin, O'Neill

Absent: (2) Mai, Zamora

PUBLIC HEARING – AMENDMENT NO. A-014-2015. CITY OF GARDEN GROVE, CITYWIDE.

Applicant: CITY OF GARDEN GROVE

Date: September 3, 2015

Request: A request by the City of Garden Grove for adoption of zoning text amendments to portions of Chapters 9.04 (Definitions), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code to update the references, definitions, development standards, and operational conditions in the City's Land Use Code, pertaining to massage establishments and other types of uses at which massage services are provided, to be consistent with the City Massage Regulations set forth in Chapter 5.12 of the Garden Grove Municipal Code and the State Massage Therapy Act. Pursuant to the proposed Amendment, massage establishments would be treated as a separate commercial use, rather than as an adult entertainment business, and would be permitted to be located in the C-2 (Community Commercial), GGMU-1,2,3 (Garden Grove Boulevard Mixed Use), and NMU (Neighborhood Mixed Use) zones, subject to approval of a Conditional Use Permit, provided they are not located within 1000 feet of another massage establishment, meet specified development, operational, and minimum parking standards, possess a valid and current massage operator's permit issued by the Police Chief, and comply with all other requirements of the City Massage Regulations in Chapter 5.12. Existing legally established and permitted massage establishments would be deemed legal nonconforming uses that are subject to the provisions of Chapter 5.12 (Massage Regulations) and Chapter 9.36 (Nonconformities) of the Garden Grove Municipal Code. The proposed Amendment would also update the definitions, references, conditions and standards applicable to Athletic and Health Clubs, Spas or Gyms

that provide massage services, and would permit massage services to be provided as part of a salon, spa or similar facility located in, and incidental to the operation of, a Hotel that contains at least one hundred fifty (150) rooms located anywhere in the City. The Planning Commission will make a recommendation to the Garden Grove City Council regarding the proposed Amendment and a determination that it is exempt from the California Environmental Quality Act.

Action: Public Hearing held. Speaker(s): None.

Action: Resolution No. 5849-15 approved.

Motion: Kanzler Second: Paredes

Ayes: (5) Kanzler, Margolin, O'Neill, Pak, Paredes

Noes: (0) None

Absent: (2) Mai, Zamora

MATTERS FROM COMMISSIONERS: Vice Chair Kanzler asked staff if it was feasible to provide an updated parking study for the City. Staff responded that because of the expense of a study, direction would be needed from City Council; that the Mixed Use Code included additional standards; and that an updated residential parking study was done about ten years ago.

Commissioner Pak asked for an update on the Galleria and Brookhurst Triangle projects. Staff responded that the City was still waiting on the Galleria parties to agree on a developer, and that the Brookhurst Triangle plan check was near completion.

Commissioner Margolin asks staff about the Galleria time extensions. Staff replied that at City Council two weeks ago, representatives of a new developer and the bank indicated they were close to signing an agreement, and that if the parties did not enter into a deal, the only option for the City would be to order the demolition of the structure, which could be costly, disruptive and dangerous.

Commissioner Paredes thanked staff for assisting with his graffiti removal request.

Chair O'Neill thanked everyone for their patience with the Variance and wished everyone a safe holiday weekend.

MATTERS FROM STAFF: Staff distributed large copies of the General Plan map and Zoning map and gave a brief description of the September 17th Planning Commission items, adding that the October 1st meeting would be a CEQA (California Environmental Quality Act) Study Session to begin at 6:30 p.m. Staff also mentioned that Karl Hill was the new Acting Community Development Director and Lee Marino was the new Acting Planning Services Manager.

ADJOURNMENT: At 7:55 p.m. to the next Regular Meeting of the Garden Grove

Planning Commission on Thursday, September 17, 2015, at 7:00 p.m. in the Courtyard Center, 12732 Main Street, Garden Grove.

Motion: O'Neill Second: Pak

Ayes: (5) Kanzler, Margolin, O'Neill, Pak, Paredes
Noes: (0) None
Absent: (2) Mai, Zamora

Judith Moore, Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

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| AGENDA ITEM NO.: C.1. | SITE LOCATION: South side of Garden Grove Boulevard and east of Newland Street, at 8762 Garden Grove Boulevard #102 |
| HEARING DATE: September 17, 2015 | APN: 097-222-01 |
| CASE NO.: Conditional Use Permit No. CUP-047-2015 | GENERAL PLAN: Residential/Commercial Mixed Use 2 |
| APPLICANT: Bodhi Youth of America, Inc. | ZONE: GGMU2 (Garden Grove Mixed Use 2) |
| PROPERTY OWNER: Austin Park and Julianne Park | CEQA DETERMINATION: Exempt |

REQUEST:

The applicant is requesting Conditional Use Permit (CUP) approval to operate a new, approximately 3,748 square foot, educational institution, Bodhi Youth of America, at 8762 Garden Grove Boulevard #102.

BACKGROUND:

The subject property (Assessor's Parcel No. 097-222-01) is approximately 37,112 square feet in area and is developed with an existing two-story commercial building. To the west of, and abutting the subject property, is an approximately 36,643 square foot property (Assessor's Parcel No. 097-222-02) that is developed with an existing one-story commercial building. The subject tenant space under application is a 3,748 square foot space located on the first floor. The two (2) properties, along with the two (2) existing buildings, form an integrated development with a large parking area running down the center, and additional parking areas at the rear of the existing buildings. A review of a current title report shows there is an existing perpetual easement and right-of-way for ingress and egress and for parking purposes in, on, and over the two (2) aforementioned properties. There are two (2) drive aisle access points (one near the front of the properties along Garden Grove Boulevard and the other at the rear of the properties), which provide reciprocal access and shared parking.

The subject property is zoned GGMU2 (Garden Grove Mixed Use 2), and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The property abuts a GGMU2 zoned property to the west, a GGMU2 zoned property to the east, R-3 (Multiple-Family Residential) and PUD-104-80 (Planned Unit Development) zoned properties to the south, and GGMU2 and GGMU3 zoned properties, to the north, across Garden Grove Boulevard.

In 1986, the City approved Site Plan No. SP-121-86, which allowed the development and construction of one- and two-story commercial buildings, which included approximately 18,724 total square feet of gross floor area, along with related site improvements, at 8752 and 8772 Garden Grove Boulevard (Assessor's Parcel Numbers: 097-222-01 and 02).

In 1994, the City approved Conditional Use Permit No. CUP-177-93, which allowed the operation of a new computer trade school at 8762 Garden Grove Boulevard #102. Also approved, in conjunction with CUP-177-93, was Variance No. V-144-93, which allowed a deviation to the required number of parking spaces to allow the operation of the computer trade school.

An educational institution is a permitted use in the GGMU2 zone, subject to the approval of a Conditional Use Permit. Thus, the applicant has submitted a request for Conditional Use Permit approval to operate a new educational institution at 8762 Garden Grove Boulevard #102.

DISCUSSION:

CONDITIONAL USE PERMIT:

The Municipal Code defines an "educational institution" use as a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education.

Per the applicant's submitted business proposal, Bodhi Youth of America (BYA) is a non-profit organization, which will provide educational and training services to children and youth, from first grade (approximately age 7) through high school. BYA will primarily offer tutoring services, which will occur mostly during after-school hours. BYA will also provide language and cultural classes, guided meditation during tutoring sessions, along with leadership and social skill programs. Although the applicant is proposing to offer guided meditation to children and youth, at no time will the establishment operate as a church or religious facility, without first obtaining proper approval from the City. Additionally, the maximum number of students will be subject to the maximum occupancy allowed by the building code.

The subject 3,748 square foot tenant space, Suite 102, is located on the first floor of the existing two-story commercial building. The proposed floor plan is comprised of the following: a 299 sq. ft. classroom, a 235 sq. ft. classroom, a 1,034 sq. ft. student group activity room, a 233 sq. ft. reception room, a 320 sq. ft. administrative office room, a 97 sq. ft. storage room, a 198 sq. ft. administrative staff meeting room, a 165 sq. ft. employee break room, and three (3) restrooms.

PARKING:

The proposed educational institution will have a total of 1,568 square feet of instructional area and 968 square feet of office area. Based on Code requirements (at a rate of one (1) parking space per 35 square feet of instructional area, plus one (1) parking space per 250 square feet of office space), a total of 49 parking spaces are required for the proposed educational institution.

In 1994, a Variance (V-144-93) was approved to deviate from the required number of parking spaces to allow the operation of a trade school. The approved Variance is a land use entitlement that runs with the land and is, therefore, still valid.

In 1994, based on the existing uses at the time of the approval of V-144-93, the total number of parking spaces required by Code was 195. The subject development provided a total of 104 parking spaces, which equaled a reduction of 91 parking spaces. A parking study analysis, conducted and reported by Linscott, Law, and Greenspan Engineers, determined that the on-site parking supply was adequate to support the parking demand generated by the existing uses and the proposed trade school, with a surplus of nine (9) parking spaces. Per the Municipal Code, the parking requirements applied for a trade school are the same for an educational institution.

Since 1994, many former businesses have closed and other new businesses have opened within this integrated development. A review of the current uses on-site found that a total of 190 parking spaces are required, per Municipal Code requirements for parking, to support the existing uses plus the proposed educational institution. Today, the integrated development provides a total of 107 shared parking spaces. Because the proposed reduction in parking is less than the originally approved reduction in parking, per Variance No. V-144-93, Staff finds that the proposed educational institution use is permissible and that there will be sufficient parking to support the integrated development, based on:

- No increase in parking demand based on the existing and proposed uses;
- No other changes to the site; and
- No known complaints or issues regarding on-site parking.

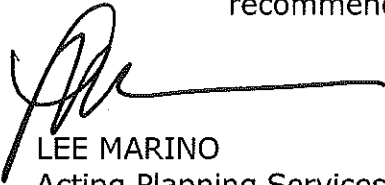
The applicant has noted that most tutoring services will occur during after-school hours, however, some programs and classes may occur during regular business hours. The proposed hours of operation will be from 9:00 a.m. to 6:00 p.m., seven (7) days a week. The conditions of approval for the subject project state that in the event there are any parking or traffic circulation issues caused by the subject proposed business, the applicant shall prepare a parking/traffic mitigation plan to the satisfaction of the City.

The Community Development Department and the Police Department have reviewed the request and are supporting the proposal.

RECOMMENDATION:

Staff recommends that the Planning Commission:

- Approve Conditional Use Permit No. CUP-047-2015, subject to the recommended conditions of approval.



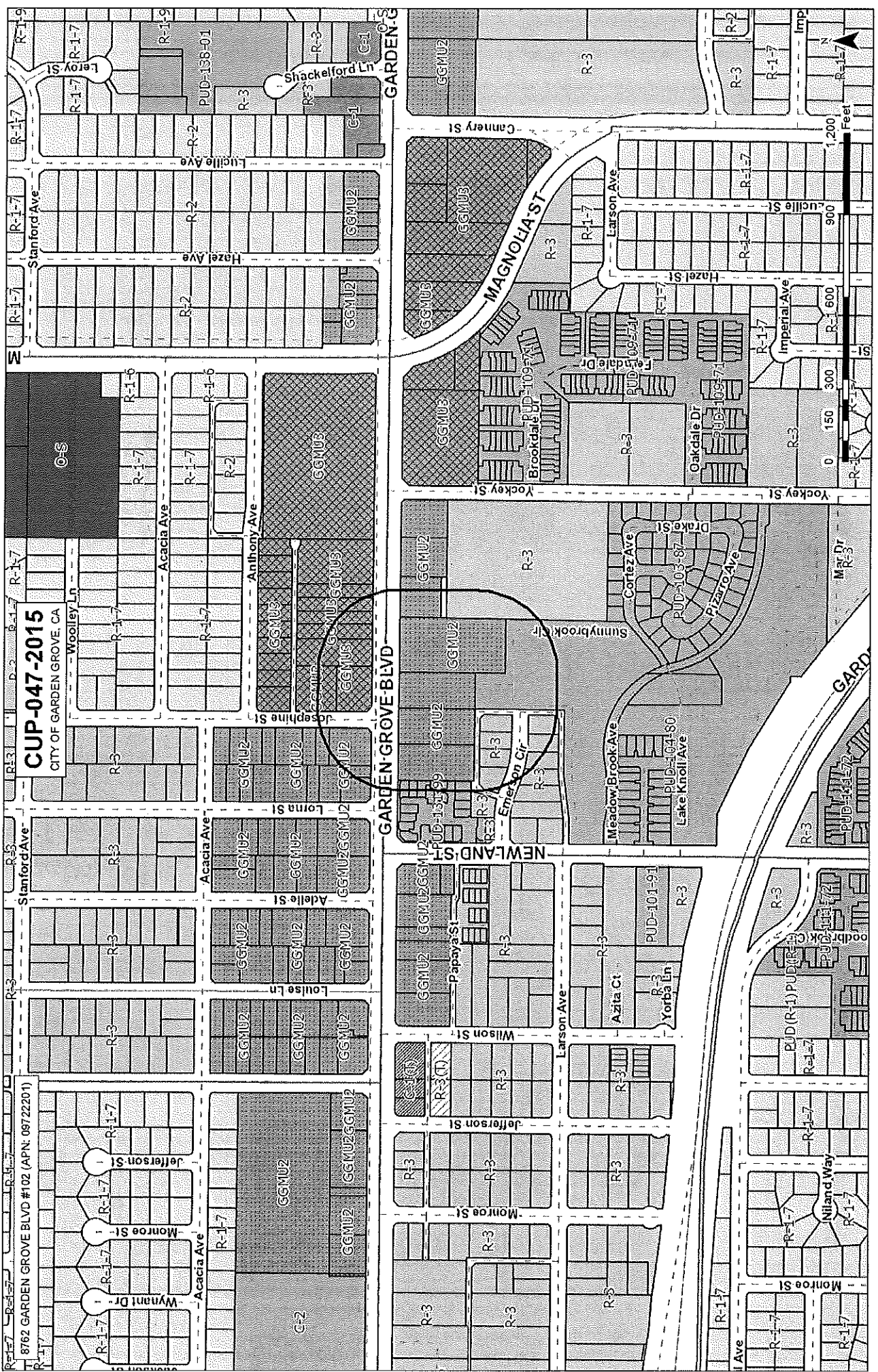
LEE MARINO
Acting Planning Services Manager

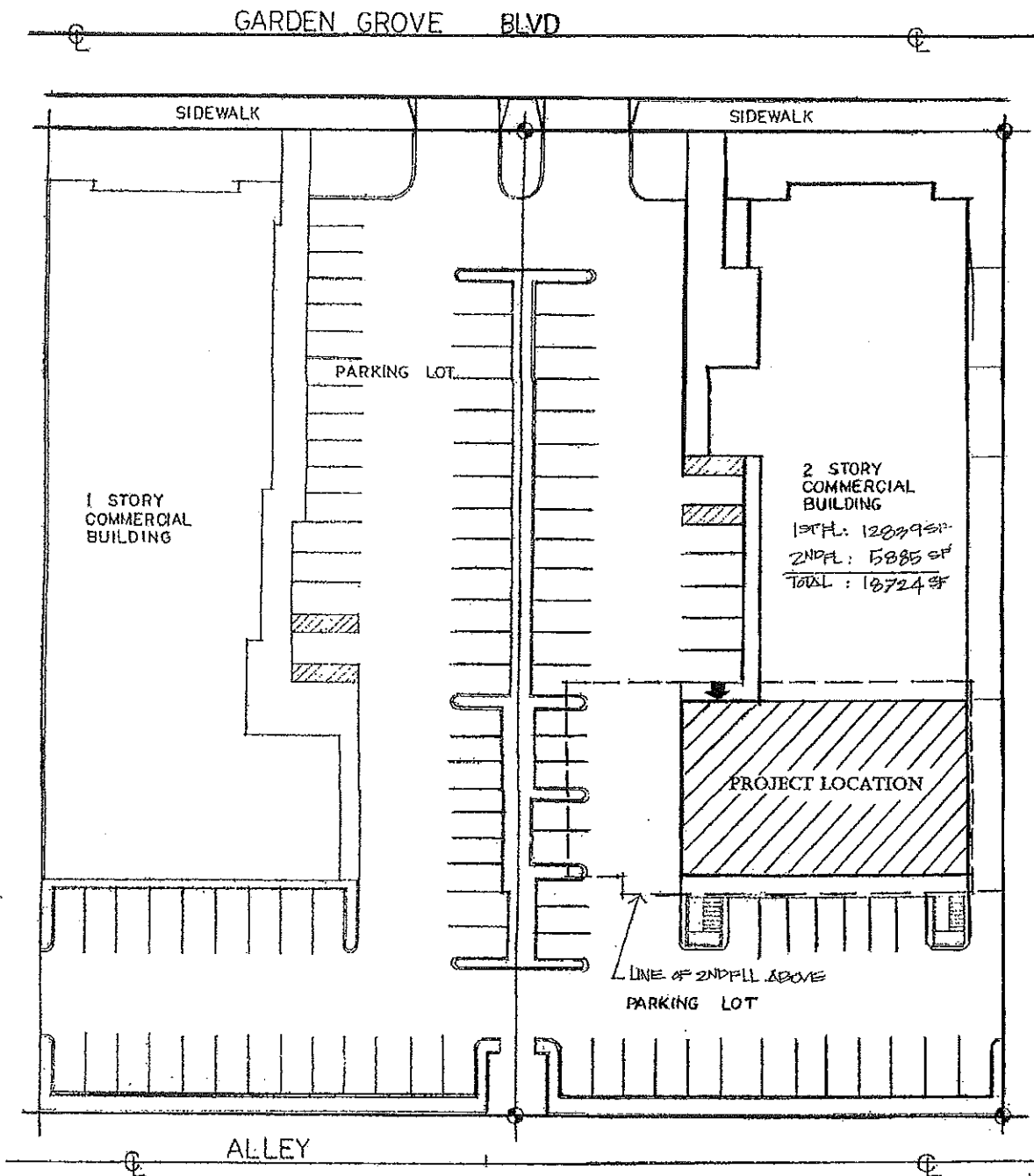


By: Chris Chung
Associate Planner

CUP-047-2015
CITY OF GARDEN GROVE, CA

8762 GARDEN GROVE BLVD # 102 (APN: 09722201)



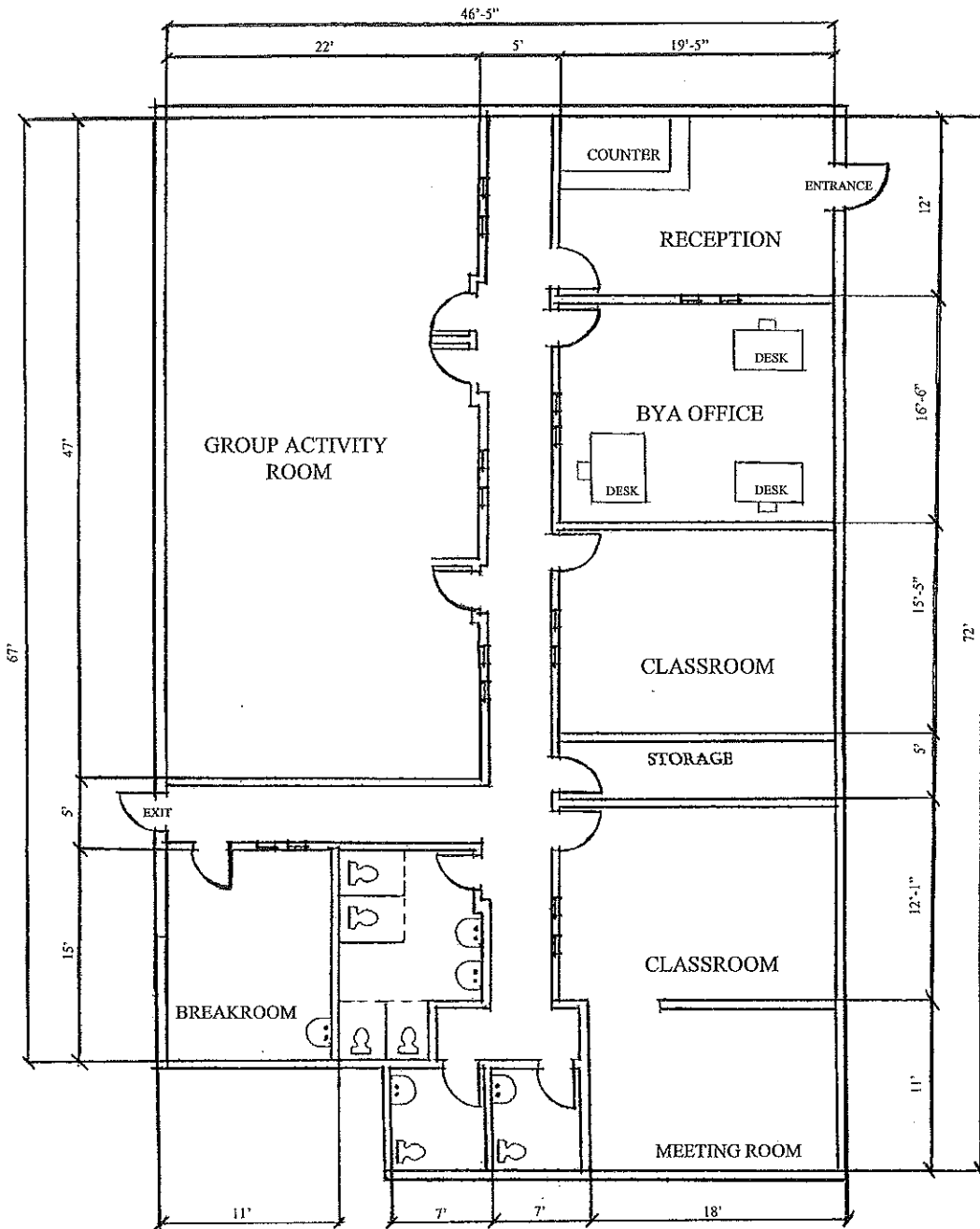


SITE PLAN
 SCALE: 1/32"

CUP-047-2015

BODHI YOUTH OF AMERICA (BYA) CENTER
 DBA: BODHI ACADEMY
 8762 GARDEN GROVE BLVD., UNIT# 102
 GARDEN GROVE, CA 92641

SITE PLAN:
 SCALE: 1/32" = 1'
 DATE: 7/28/15



BODHI YOUTH OF AMERICA (BYA) CENTER

DBA: BODHI ACADEMY

8762 GARDEN GROVE BLVD. UNIT# 102

GARDEN GROVE, CA 92641

FLOOR PLAN:
 SCALE: 1/8" = 1'
 DATE: 7/28/15

RESOLUTION NO. 5850-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-047-2015.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-047-2015, for a parcel of land located on the south side of Garden Grove Boulevard and east of Newland Street, at 8762 Garden Grove Boulevard #102, Assessor's Parcel No. 097-222-01.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-047-2015, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Bodhi Youth of America, Inc.
2. The applicant is requesting Conditional Use Permit (CUP) approval to operate a new, approximately 3,748 square foot, educational institution, Bodhi Youth of America, at 8762 Garden Grove Boulevard #102.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Reg., Section 15301).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned GGMU2 (Garden Grove Mixed Use 2). The subject property (Assessor's Parcel No. 097-222-01) is approximately 37,112 square feet in area and is developed with an existing two-story 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 September 17, 2015, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of September 17, 2015; and

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

FACTS:

The subject property (Assessor's Parcel No. 097-222-01) is approximately 37,112 square feet in area and is developed with an existing two-story commercial building. To the west of, and abutting the subject property, is an approximately 36,643 square foot property (Assessor's Parcel No. 097-222-02) that is developed with an existing one-story commercial building. The subject tenant space under application is a 3,748 square foot space located on the first floor. The two (2) properties, along with the two (2) existing buildings, form an integrated development with a large parking area running down the center, and additional parking areas at the rear of the existing buildings. A review of a current title report shows there is an existing perpetual easement and right-of-way for ingress and egress and for parking purposes in, on, and over the two (2) aforementioned properties. There are two (2) drive aisle access points (one near the front of the properties along Garden Grove Boulevard and the other at the rear of the properties), which provide reciprocal access and shared parking.

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The proposed educational institution will have a total of 1,568 square feet of instructional area and 968 square feet of office area. Based on Code requirements (at a rate of one (1) parking space per 35 square feet of instructional area, plus one (1) parking space per 250 square feet of office space), a total of 49 parking spaces are required for the proposed educational institution.

In 1994, based on the existing uses at the time of the approval of V-144-93, the total number of parking spaces required by Code was 195. The subject

development provided a total of 104 parking spaces, which equaled a reduction of 91 parking spaces. A parking study analysis, conducted and reported by Linscott, Law, and Greenspan Engineers, determined that the on-site parking supply was adequate to support the parking demand generated by the existing uses and the proposed trade school, with a surplus of nine (9) parking spaces. Per the Municipal Code, the parking requirements applied for a trade school are the same for an educational institution.

Since 1994, many former businesses have closed and other new businesses have opened within this integrated development. A review of the current uses on-site found that a total of 190 parking spaces are required, per Municipal Code requirements for parking, to support the existing uses plus the proposed educational institution. Today, the integrated development provides a total of 107 shared parking spaces. Because the proposed reduction in parking is less than the originally approved reduction in parking, per Variance No. V-144-93, Staff finds that the proposed educational institution use is permissible and that there will be sufficient parking to support the integrated development, based on:

- No increase in parking demand based on the existing and proposed uses;
- No other changes to the site; and
- No known complaints or issues regarding on-site parking.

FINDINGS AND REASONS:

All findings for approval of the proposed Conditional Use Permit required under Section 9.32.030.D.4 (Conditional Use Permit) of the Garden Grove Municipal Code can be made.

Conditional Use Permit:

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

The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned GGMU2 (Garden Grove Mixed Use 2). Educational institutions are conditionally permitted uses in the GGMU2 zone. The use is consistent with the General Plan provided that the operation of the 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. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Additionally, the use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

Finally, the use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval will ensure the public health, safety, and welfare. Therefore the project will not create a menace to the public health, safety, or 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.

Provided the proposed use operates per the Conditions of Approval under Conditional Use Permit No. CUP-047-2015, then the site, with the existing site improvements, is of adequate size to accommodate the proposed uses 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 Garden Grove Boulevard with two (2) accessible driveways providing both ingress and egress. 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 (CUP-047-2015) 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-047-2015.

EXHIBIT "A"

Conditional Use Permit No. CUP-047-2015

8762 Garden Grove Boulevard #102

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, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. Approval of this 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. Modifications, which do not change the intent of the project, may be approved by the Community Development Director.
4. The approved floor plan is an integral part of the resolution approving this Conditional Use Permit. There shall be no change in the design of the floor plan or the designated use of each room without the approval of the City. Any change in the approved floor plan, or in the designated use of each room, which has the effect of expanding or intensifying the present use shall require a new Conditional Use Permit. If major modifications are made to the site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

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. There shall be no customers or patrons in or about the premises when the establishment is closed.
8. 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.
9. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).

Fire Department

10. The applicant shall comply with all requirements of the Fire Department for all life safety issues. This includes, but is not limited to, ensuring that proper exiting is provided and maintained at all times.

Community Development Department

11. The hours of operation for the educational institution shall be permitted from 9:00 a.m. to 6:00 p.m., seven (7) days a week. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
12. There shall be a minimum of 104 parking spaces provided on-site.
13. In the event the site cannot accommodate the parking demand for the educational institution, at any given time, which causes a nuisance, hindrance, and/or problem with both on-site and/or off-site parking and circulation, the business owner/property owner shall devise and implement a plan to relieve the situation. The business owner/property owner shall submit a plan to manage parking issues for review and approval by the Community Development Department. The plan may include, but not be limited to: reducing the hours of operation; staggering class times; instituting an off-site parking arrangement; having on-site parking control personnel;

and/or other alternatives that may be deemed applicable to the situation. If the City deems such action is necessary to address parking and circulation problems, such action shall be required within 30 days of written notice. Failure to take appropriate action may result in the City restricting the overall use of the facility or revoking Conditional Use Permit No. CUP-047-2015.

14. The educational institution shall primarily provide tutoring services. Secondary services provided may include cultural and language classes, and leadership and social skill programs for children and youth from first grade through high school. There shall be no additional uses, activities, or changes in the operation, without first obtaining approval by the City through the appropriate process.
15. At no time shall the establishment operate as a church or religious facility.
16. The applicant/property owner shall be responsible for providing adequate lighting of the parking area in compliance with the City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner as to not unreasonably illuminate adjacent properties.
17. All activities associated with the educational institution shall be conducted within the fully enclosed building.
18. An enrolled student/child may stay at the establishment for no more than four (4) hours per day.
19. At no time shall there be any outside play or waiting area. An area within the tenant space may be used for play or waiting purposes, but only incidental to the educational institution, so as not to operate as a children's day care operation.
20. The use shall meet all requirements of the California Building Standards Code for an "E" occupancy. Should there be a change of occupancy, the applicant shall submit plans to the Building Division be prepared by a licensed architect.
21. Students, faculty, and administrators shall park in the eighteen (18) parking spaces on the southeast portion of the site. The applicant and property owner are responsible for enforcing this condition of approval.

22. The maximum number of students shall be subject to the maximum occupancy allowed by the building code. Maximum occupancy signs, for each room to be used for instructional area, shall be posted.
23. No outside storage or displays shall be permitted at any time.
24. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
25. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
26. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
27. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
28. 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.
29. All trash bins 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 once per week. However, if additional pick-ups are needed to accommodate the uses on the site, the property owner shall increase the number of pick-ups as required.
30. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification or application.
31. 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.
32. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of

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the building is approved by the Community Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

33. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
34. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
35. 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 on a window, shall count toward the maximum window coverage area.
36. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
37. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning CUP-047-2015. 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.
38. A copy of the decision approving Conditional Use Permit No. CUP-047-2015 shall be kept on the premises at all times.

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39. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-047-2015, and his/her agreement with all conditions of the approval.
40. Any Conditional Use Permit previously governing this tenant space (CUP-177-93) shall become null and void, and superseded in its entirety, by the approval of Conditional Use Permit No. CUP-047-2015.
41. 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 Development Department, Planning Services Division.
42. The Conditional Use Permit shall 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.