



AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, February 23, 2023

9:00 a.m.

Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing public-comment@ggcity.org no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record.

COVID-19: Masks are not required, however, the public is encouraged to wear masks in City facilities. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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 Comments by the Public. Each speaker shall be limited to three (3) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email planning@ggcity.org 72 hours prior to the meeting 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 the Zoning Administrator 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 Community Meeting 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 Zoning Administrator may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

1. CONTINUED PUBLIC HEARING ITEM:

a. [CONDITIONAL USE PERMIT NO. CUP-232-2023](#)

APPLICANT: Toby Nguyen

LOCATION: 8762 Garden Grove Boulevard #102

REQUEST: Conditional Use Permit approval to operate a new 3,748 square foot preschool/daycare, Dragonfly Academy, for 54 children, aged 2 to 5 years old, along with a 2,025 square foot outdoor playground. Upon approval of the subject request, the Conditional Use permit previously governing the tenant space, CUP-047-2015, which allowed an after-school program, shall be revoked and become null and void. The site is in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities - of the State CEQA Guidelines.

2. PUBLIC HEARING ITEM:

a. [CONDITIONAL USE PERMIT NO. CUP-233-2023](#)

APPLICANT: Smartlink (c/o AT&T Mobility)
LOCATION: 12432 9th Street

REQUEST: Conditional Use Permit approval to allow the construction and operation of a 60'-0" tall, unmanned, wireless telecommunication facility disguised as a eucalyptus tree (mono-eucalyptus), along with a 375 square foot (25 feet x 15 feet) equipment enclosure, to be located on a site currently improved with a church, St. Olaf Church. The site is in the R-1 (Single-Family Residential) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(c) - New Construction or Conversion of Small Structures - of the State CEQA Guidelines.

3. COMMENTS BY THE PUBLIC

4. ADJOURNMENT

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: South side of Garden Grove Boulevard, between Newland Street and Yockey Street, at 8762 Garden Grove Boulevard, Suite #102
HEARING DATE: February 23, 2023	GENERAL PLAN: Residential/Commercial Mixed Use 2
CASE NO.: Conditional Use Permit No. CUP-232-2023	ZONE: GGMU-2 (Garden Grove Boulevard Mixed Use 2)
APPLICANT: Toby Nguyen	CEQA DETERMINATION: Exempt
PROPERTY OWNER: Austin Park and Julianne Park	APN: 097-222-02

REQUEST:

A request for Conditional Use Permit approval to operate a new 3,748 square foot preschool/daycare (child daycare center), Dragonfly Academy, for 54 children aged 2 to 5 years old, along with a 2,025 square foot outdoor playground. Upon approval of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-047-2015, which allowed an after-school program, shall be revoked and become null and void.

DISCUSSION:

The proposed project was considered by the Zoning Administrator during the Public Hearing of the January 26, 2023 Zoning Administrator meeting. The item was continued to the February 23, 2023 meeting to allow Staff and the Applicant to re-evaluate and address noise concerns raised by the Zoning Administrator and a member of the public regarding the proposed preschool/daycare since the outdoor playground abuts habitable portions of a residential development to the east.

The Applicant has provided the following supplemental information and proposed sound attenuation features:

1. The Applicant has provided a schedule for the outdoor playground, which demonstrates that the playtime will be staggered. Recess (outdoor playtime) will be in 30 minute increments, six (6) times per day, with a maximum capacity of 18 children at any one time. The sum of outdoor playtime will be three (3) hours per day, between 10:00 a.m. and 4:30 p.m. Attached is the proposed schedule for the outdoor playground (Attachment 1).

2. The Applicant distributed letters to six (6) residential units that abut the proposed playground. The residential complex is located directly east of the proposed playground at 8800 Garden Grove Boulevard. Attached is a sample letter and the Applicant's findings, which indicate that one (1) resident does not object to the proposal, and the remainder of the residents were not present when the Applicant attempted to make contact during the proposed playground operation hours (Attachment 2).
3. The Applicant has provided a revised enlarged playground plan, which provides sound attenuation design features that can potentially minimize noise. The outdoor playground area, at the southeast corner of the property, will exhibit 634 square feet of coal rubber interlocking flooring tiles. Also, in between the building and the existing block wall that is shared with the residential complex to the east, the Applicant is proposing to install 840 square feet of artificial turf carpet, and outdoor sound curtains/panels along the full length of the block wall (117'-2"). Attached is a revised enlarged playground plan and specifications for the rubber flooring tiles, artificial turf, and sound curtains (Attachment 3).

The City's Planning Division is in support of the installation of the coal rubber interlocking flooring tiles, the artificial turf carpeting, the outdoor sound curtains/panels, which, in combination, will help to absorb sounds and minimize any potential noise impacts from the daycare operation. In addition, the Applicant's proposal to stagger the outdoor playtime with a maximum anticipated capacity of 18 children at any one time, will further minimize any potential noise impacts. Staff has prepared the following suggested text to incorporate into the recommended Conditions of Approval:

61. In an effort to minimize noise from the outdoor playground, the Applicant shall install rubber flooring tiles, artificial turf, or other design features and/or flooring materials that provide adequate sound attenuation. The materials shall be maintained and kept free of any tears, holes, and in a fadeless condition.
62. The Applicant shall install sound curtains/panels along the full length of the block wall located on the east side of the playground that provide adequate sound attenuation. The outdoor sound curtains/panels shall be maintained and kept free of any tears, holes, and in a fadeless condition.

Attached is the updated Decision with Conditions of Approval, which includes bolded text for the additional proposed conditions (Attachment 4).

The previous Staff Report for the January 26, 2023 meeting can be found on the City's website at <https://ggcity.org/sites/default/files/commissions/zoning-administrator/a01262023.pdf>.

CASE NO. CUP-232-2023

The January 26, 2023 meeting audio recording can also be found on the City's website at <https://ggcity.org/commissions/zoning-administrator#>.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1834-23 approving Conditional Use Permit No. CUP-232-2023, subject to the recommended Conditions of Approval.



Maria Parra
Planning Services Manager



By: Mary Martinez
Associate Planner

- Attachment 1: Proposed Outdoor Playground Schedule
- Attachment 2: Neighbor Sample Letter and Findings
- Attachment 3: Revised Enlarged Playground Plan and Specifications
- Attachment 4: Updated Decision No. 1834-23 with Conditions of Approval



Recess (Outdoor play-time)

Time	Duration	Kids total
10:00 am	30 mins	18
10:30 am	30 mins	18
11:00 am	30 mins	18
3:00 pm	30 mins	18
3:30 pm	30 mins	18
4:00 pm	30 mins	18

Total Outdoor Time – 3 hours/day

2 Years Old: 18 students

- Morning time: 10:00 am-10:30 am
- Afternoon time: 3:30pm-4:00 pm

3 Years Old: 18 students

- Morning time: 10:30 am-11:00 am
- Afternoon time: 3:00pm-3:30 pm

4-5 Years Old: 18 students

- Morning time: 11:00 am-11:30 am
- Afternoon time: 4:00pm-4:30 pm

Dragonfly Playground Neighbor Survey:

Objectives:

We've reached out to our neighbor that located directly behind the side wall of our playground to get feedback and vacancies data. We've tried to see if there were any residents available during our playground operations time window and dropped off a written letter for them to be aware of our future operations of the playground and asked them to contact us for any issue or concern, they may have. (Please see sample letter to our neighbor and result findings below.)

Location address:

8800 Garden Grove Blvd
Garden Grove, CA 92844

Results:

- Unit #3 - Not available during playground operation hours, letter dropped off.
- Unit #4 – Jone Vo (714) 804-7751
Mr. Jone have no issue for us to operate the playground and would be happy to express his opinion to City representative.
- Unit #5 - Not available during playground operation hours, letter dropped off.
- Unit #14, 15 & 16 (2nd Floor) - Not available during playground operation hours, letter dropped off.



8762 Garden Grove Blvd #102 Garden Grove, CA 92844

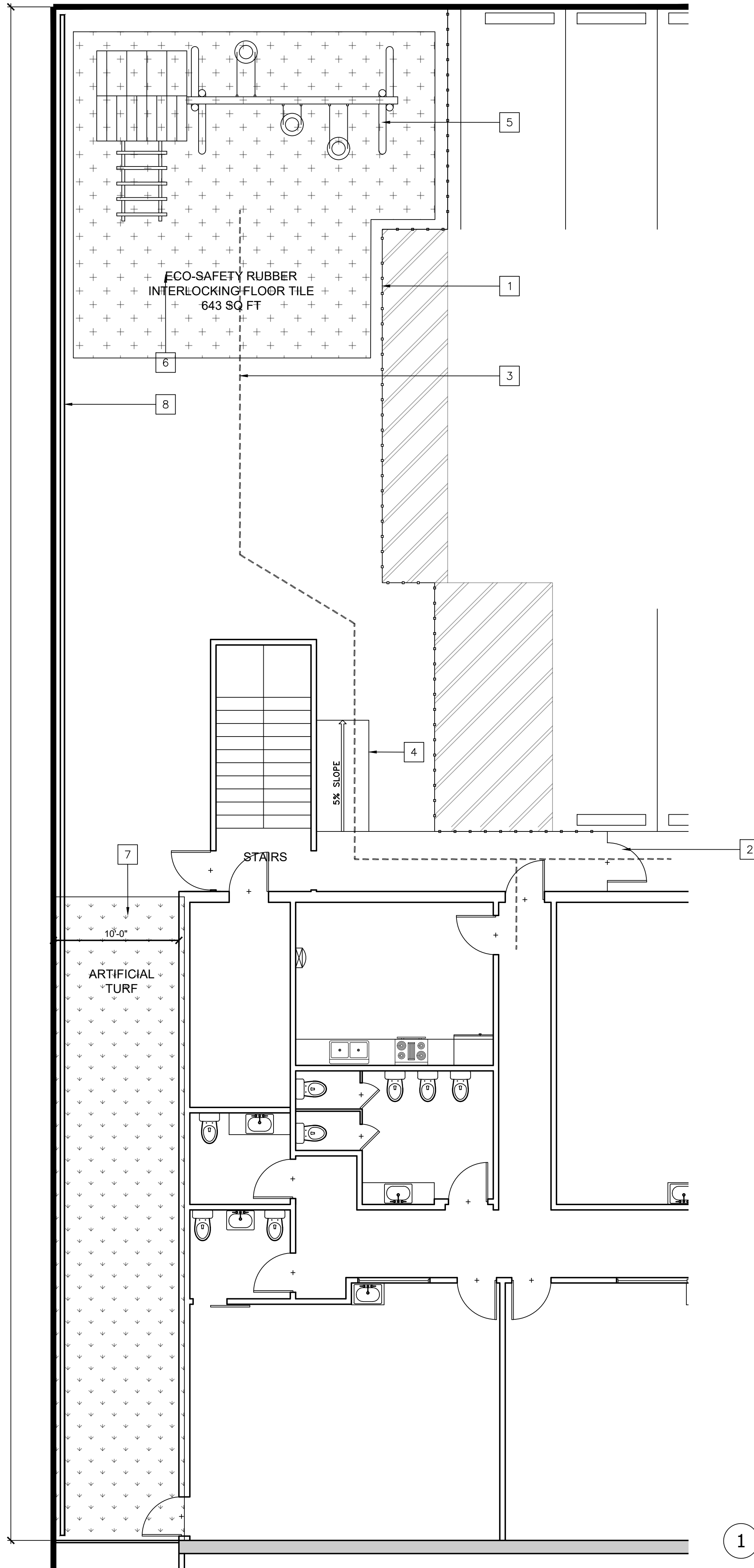
Dear Neighbor,

My name is Vickie Nguyen and I am the director at Dragonfly Academy. We are a new preschool that caters to families with children from ages 2 years-5 years. We wanted to reach out to you because our school playground is located next to your residence. We are currently working with the City of Garden Grove to ensure that we meet all the conditions and follow the codes accordingly. One of the things that we would like to inform you about is our outside schedule. We do not want to concern you about the noise level while the children are playing outside. To reduce noise, children are given 30 minutes of recess per age group. We also plan to build a higher fence on the wall with a padding attached to minimize any noise. For more information, I attached the outdoor schedule which includes the number of children that are allowed outside. If you have any suggestions or concerns, feel free to contact (657) 280 – 9093. We hope to gain your support and understanding so that we can provide a happy and healthy environment for our children.

-Sincerely,
Vickie Nguyen

ATTACHMENT 3 - Revised Enlarged Playground Plan and Specifications

117'-2" LINEAR FEET OF OUTDOOR SOUND CURTAINS



- FEATURES**
- Clubhouse with Hardtop Roof
 - Low Maintenance - No Staining or Painting Required
 - Passes Playground Performance and Safety Standards
 - Soft Rubber Grips on Swing Chains to Prevent Pinching or Snagging
 - 9-ft. Wavy Slide
 - Integrated Car Map on Tower Floor
 - UV-Resistant - Retains Strength and Maintains Color
 - Free-Standing – No Need for Cement
 - 1 Trapeze Bar and 2 Swings
 - All-Weather Resistant – Will Not Crack, Warp, Rot, or Splinter
 - 2 Swings
 - Two Sturdy 3-D Climbing Walls
 - Hard Edges are Rounded or Covered with Plastic Caps
 - No Lead-Based Material

1 PLAYGROUND PLAN
Scale: 3/16"=1'-0"

- LITTLE TIKES PICNIC TABLE
- LITTLE TIKES HIDE AND SEEK CLIMBER & SWING
- LITTLE TIKES HIDE & SLIDE
- LIFETIME ADVENTURE TOWER WITH SPIDER SWING
- LITTLE TIKES TREE HOUSE SWING SET
- KIDKRAFT FORESTVIEW WOODEN PLAYHOUSE
- HEART OF THE HOME KITCHEN PLAYSET
- STEP 2 SMALL KITCHEN PLAYSET
- LITTLE TIKES PRINCESS HORSE & CARRIAGE
- ANGEL MYRIDER MAXI 3 WHEELS TRIKES
- XJD 3 IN 1 TRICYCLES TODDLER

PLAYGROUND EQUIPMENT LIST

- 1 5'-0" MULTICOLOR WROUGHT IRON FENCE
- 2 5'-0"H x 3'-0"W EXIT GATE WITH PANIC HARDWARE
- 3 EXIT PATH OF TRAVEL
- 4 ACCESSIBLE WALKWAY @ 5% MAX RUNNING SLOPE
- 5 PLAYGROUND EQUIPMENT
- 6 ECO-SAFETY INTERLOCKING RUBBER FLOOR TILE
- 7 ARTIFICIAL TURF
- 8 OUTDOOR SOUND CURTAIN

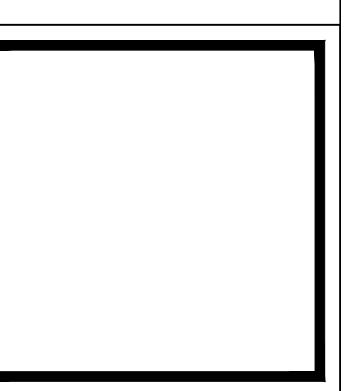
KEYNOTES



REV.	DESCRIPTION	DATE

PROJECT: DRAGONFLY ACADEMY
8762 GARDEN GROVE BLVD. #102
GARDEN GROVE, CA 92844

SHEET TITLE
PLAYGROUND



DESIGNER
SIGNATURE
CONSULTANT
DATE
10-26-20
JOB NO.
SHEET
A4
OF X SHEETS

Dragonfly Playground Build Material

Flooring:

1. **Back of Building** - Eco-Safety 2.5" thick L Coal Rubber Interlocking Flooring Tiles. Total coverage of 634 sq. ft.



2. **Side of building** - artificial turf 1.5 in. pile height on top of 7/16 in. Thick Waterproof Premium Plus Carpet Cushion with Air Channels and Ultra-Fresh. Total coverage of 840 sq. ft.



Wall:

1. **Side Wall** - Outdoor Sound Curtains, Exterior Soundproof Panels 1" thickness

- Easily Attach to Fences, or Hard-surfaces with Stainless Steel Grommets on Top & Bottom
- Made for Absorbing Outside Noise Pollution with a NRC .85 and STC 20.
- Silicone Coating is resistant to All Outside Weather Conditions as Well as Chemicals.
- Curtains Use Durable Nylon Thread, Sewn in a Double Lock Stitch on All Four Sides of the Curtain Panel.



Octave Band Frequencies (Hz)	125	250	500	1000	2000	4000	Rating
Sound Absorption per ASTM C423	0.07	0.27	0.96	1.13	1.08	0.99	NRC=0.85
Sound Transmission Loss per	8	13	17	22	27	31	STC= 20

DECISION NO. 1834-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-232-2023, AND REVOKING CONDITIONAL USE PERMIT NO. CUP-047-2015, TO OPERATE A NEW PRESCHOOL/DAYCARE (CHILD DAYCARE CENTER), DRAGONFLY ACADEMY, LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN NEWLAND STREET AND YOCKEY STREET, AT 8762 GARDEN GROVE BOULEVARD, SUITE #102, ASSESSOR'S PARCEL NO. 097-222-02.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-232-2023, and revoke Conditional Use Permit No. CUP-047-2015, for the property located on the south side of Garden Grove Boulevard, between Newland Street and Yockey Street, at 8762 Garden Grove Boulevard, Suite #102, Assessor's Parcel No. 097-222-02.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-232-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Toby Nguyen, with authorization from the property owner, Austin Park and Julianne Park.
2. A request for Conditional Use Permit approval to operate a new 3,748 square foot preschool/daycare (child daycare center), Dragonfly Academy, for 54 children aged 2 to 5 years old, along with a 2,025 square foot outdoor playground. Upon approval of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-047-2015, which allowed an after-school program, shall be revoked and become null and void.
3. The Zoning Administrator hereby determines that this project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Article 19, Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section 15301).
4. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The subject site is currently improved with an existing multi-tenant commercial shopping center, Newton Plaza, comprised of two (2) buildings. Existing uses within the shopping center include a tea/boba shop, a beauty salon, medical offices, a dance academy, a nail salon, a restaurant, and other similar commercial uses. The specific tenant space under application is an approximately 3,748 square foot tenant space located in the south end of the building on the east side of the property.
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 January 26, 2023, and February 23, 2023, and interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on January 26, 2023, and February 23, 2023.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.32.30, are as follows:

FACTS:

The subject site is currently improved with an existing two-story, multi-tenant commercial shopping center, Newton Plaza, comprised of two (2) buildings on two (2) parcels under separate ownership. Existing uses within the shopping center include a tea/boba shop, a beauty salon, medical offices, a dance academy, a nail salon, a restaurant, and other similar commercial uses. The specific tenant space under application is an approximately 3,748 square foot tenant space located in the south end of the building on the parcel located to the east. The tenant space was previously in operation as an afterschool program under Conditional Use Permit No. CUP-047-2015. According to business license records, the afterschool program ceased operation on September 2020.

The subject site is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2) and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The subject shopping center abuts a GGMU-2 zoned property to the west improved with a vacant auto dealership, a GGMU-2 zoned property to the east improved with a multi-family development, R-3 (Multiple-Family Residential) zoned properties to the south, across an alley, improved with multi-family units, a Planned Unit Development No. PUD-104-80 zoned property also to the south improved with a multi-family development, and GGMU-2 zoned properties to the north across Garden Grove Boulevard improved with commercial buildings.

According to the business plan, Dragonfly Academy is a preschool/daycare facility for children promoting physical, social, emotional, cognitive, and creative development for children ages 2 to 5 years old. The proposed preschool/daycare will be the applicant's first location. Typical business activities of Dragonfly Academy include instruction of letters, colors, and numbers. In addition, free play time, "circle time" (also called group time, refers to a group of children sitting together participating in an activity involving everyone), crafts, paint, arts, puzzles, and motor skill exercises, are also part of the daily schedule. Breakfast, one (1) snack break, and lunch are prepared and served daily. For the majority of the day,

children will spend their time within the indoor activity rooms (instruction areas), and will have two thirty (30) minute sessions of outdoor play time in the morning and afternoon.

The interior of the proposed 3,748 square foot preschool/daycare tenant space will consist of four (4) classrooms, an office, an employee room with a kitchen, restrooms, and a storage room. At the rear of the tenant space, the existing unpermitted outdoor playground, which is located within an area previously improved with parking spaces, will be reduced in size to approximately 2,025 square feet, and five (5) previously existing parking stalls will be re-striped. The playground will be secured with a 5'-0" tall wrought iron fence that will separate the outdoor playground area from the rest of the parking lot. The outdoor space will contain age-appropriate play structures and equipment.

The proposed hours of operation are from 7:30 a.m. to 6:00 p.m. Drop-off is expected between 7:30 a.m. and 8:30 a.m., which allows a one-hour window. Breakfast is served at 8:30 a.m., to allow for instruction and other activities to begin at 9:00 a.m. Pick-up is between 5:30 p.m. and 6:00 p.m. Conditions of approval will require that the applicant provide a drop-off and pick-up plan to prevent any impacts to the shopping center and the surrounding area.

Dragonfly Academy will abide by all applicable State laws, administered and regulated by the California Department of Social Services (CDSS), and will provide the requisite minimum amount of indoor and outdoor activity space, as determined by CDSS.

A parking study has been submitted in order to determine if there is adequate parking to support the subject preschool/daycare and all other on-site uses within the shopping center. The parking study determined that there is sufficient parking available for the proposed use. The study has been reviewed and approved by the City's Traffic Engineering Division.

The Community and Economic Development Department has reviewed the request and is supporting the proposal. All appropriate Conditions of Approval have been incorporated.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2, and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The Residential/Commercial Mixed Use 2 General Plan Land Use Designation is intended to provide a mix of residential and

commercial uses mostly around older underutilized, multi-tenant commercial developments.

Dragonfly Academy classifies as a "child daycare center", a commercial type use, which the Municipal Code defines as "consistent with Health and Safety Code Section 1596.76, any preschool/daycare facility licensed pursuant to Health and Safety Code Section 1596.80 et seq. other than a family daycare home, and includes infant centers, preschools, extended daycare facilities, and school age child care centers, which provide care, protection and supervision to children, for periods of less than 24 hours per day". A "child daycare center" use, which includes preschools, is a conditionally permitted use in the GGMU-2 zone. The establishment of the proposed preschool/daycare use is consistent with the goals and policies of the General Plan, which include:

- a. *Policy LU-1.3: To encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations.*

The proposed preschool/daycare, Dragonfly Academy, will provide essential child care services to residents in the community.

- b. *Policy LU-2.4: To assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood; and Goal LU-4: The City seeks to develop uses that are compatible with one another.*

A child daycare center, which includes a preschool, is a low-intensive use that is compatible with the existing surrounding uses in the area, which includes the existing residential and commercial uses in the immediate neighborhood.

- c. *Goal LU-5: To achieve economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community; and Goal LU-6: Revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City; and Policy LU-6.2: Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of the area's present and potential clientele.*

The proposed preschool/daycare, Dragonfly Academy, will provide essential child care services to residents in the community, while also filling a tenant space vacancy within the existing shopping center, which has been vacant since 2020. The existing shopping center currently includes multiple vacancies. And the proposed

preschool/daycare will fill a vacant tenant space, supporting efforts to revitalize the shopping center.

2. 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 proposed use is located in a commercial zone, on a commercially developed property with similar type uses that are permitted in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. The day-to-day business operations of Dragonfly Academy will remain within an enclosed building, with an outdoor playground area screened from public view, and is overall low impact in nature to the surrounding area. A parking study has been submitted in order to determine if there is adequate parking to support the subject preschool/daycare and all other on-site uses within the shopping center. The study has been reviewed and approved by the City's Traffic Engineering Division, which demonstrates that there is sufficient parking available for the proposed use. 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. The proposed preschool/daycare operation is conditionally permitted (requires approval of a Conditional Use Permit) in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. The business activities will be compatible with the surrounding uses provided the business complies with all appropriate codes and regulations set forth in the City's Municipal Code as well as requirements of the Orange County Fire Authority (OCFA), applicable California Building Codes, and requirements of State law administered and regulated by the California Department of Social Services (CDSS).

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. Also, the applicant is required to obtain all necessary building permits to ensure maintenance of public health, safety, and welfare. Therefore, the project will not create a menace to the public health, safety, or welfare provided the Conditions of Approval are adhered to for the life of the project, and all

necessary permits are obtained with accompanying inspections (i.e., building, OCFA, and CDSS permits, license, and inspections).

3. 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 subject site is currently improved with an existing multi-tenant commercial shopping center, Newton Plaza, comprised of two (2) buildings on two (2) parcels under separate ownership. The City has reviewed the proposed plans associated with the site improvements, including the addition of the fenced outdoor playground, to ensure that adequate site circulation, parking, and loading area access are maintained. A parking study has been submitted in order to determine if there is adequate parking to support the subject preschool/daycare and all other on-site uses within the shopping center. The study has been reviewed and approved by the City's Traffic Engineering Division, which demonstrates that there is sufficient parking for the proposed use. No site walls, yards, or landscaping will be affected by the proposed preschool/daycare.

4. 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 one (1) shared driveway located off of Garden Grove Boulevard. 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 THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-232-2023 does possess characteristics that would indicate justification of the requests 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-232-2023.

Dated: February 23, 2023

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-232-2023

8762 Garden Grove Boulevard, Suite #102
(Assessor's Parcel No. 097-222-02)

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 the project applicant, Toby Nguyen, the current owner of the property, Austin Park and Julianne Park, the future 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. This Conditional Use Permit only authorizes the operation of an approximately 3,748 square foot "child daycare center" use/operation consistent with Health and Safety Code Section 1596.76, as a preschool/child daycare facility licensed pursuant to Health and Safety Code Section 1596.80 et seq., which provides care, protection and supervision to children, for periods of less than 24 hours per day. 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.

Building and Safety Division

6. All work shall comply with the latest edition of the Building Standards Code at time of permit application.
7. The children's play structures shall comply with the latest editions of CBC Sections 424 and 11B-240.
8. The circulation path from the public sidewalk to the building entrance shall comply with the latest edition of CBC Section 11B-250.
9. The fire separation between occupancies per CBC Table 508.4 shall be provided throughout, including those on the second floor directly above the proposed group E.
10. Fire-rated construction shall comply with the latest edition of CBC Chapter 7.
11. The children toilet facilities shall comply with the latest edition of CBC Section 11B-604.9.
12. Toilet facilities for adults complying with CBC Section 11B-604 shall be provided.
13. Clear floor space and maneuvering clearance at all doors shall be provided.
14. The daycare class rooms shall comply with common path of egress travel per the latest edition of CBC Section 1029.8.
15. The exit access doorway configurations shall comply with the latest edition of CBC Section 1007.

Orange County Fire Authority

16. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.

Public Works Water Services Division

17. If proposed, new water service installations 2" and smaller, may be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
18. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
19. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
20. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
21. A composite utility site plan shall be part of the water plan approval.
22. New utilities shall have a minimum 5 foot horizontal and a minimum 1 foot vertical clearance from water main and appurtenances.
23. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
24. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.

25. If any modifications, additions or alterations are proposed for the existing fire sprinkler system, fire service is required to be upgraded to have above-ground backflow device with a double-check valve assembly (see City Standard B-773). Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division. Contact Water Engineering for additional requirements for plan submittal at (714) 741-5346.
26. Location and number of fire hydrants shall be as required by the Orange County Fire Authority (OCFA) and installed per Water Services standards and specifications.
27. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
28. If needed, owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
29. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer connection per lot is allowed.
30. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

Community and Economic Development Department

31. No outside storage or displays shall be permitted at any time.
32. All business activities shall be conducted within the wholly enclosed building, except for outdoor play activities within the designated gated outdoor playground area at the rear of the tenant space.

33. Hours of operation for the preschool/daycare facility shall be permitted from 7:30 a.m. to 6:00 p.m. If problems arise where the hours of operation need to be reduced in order to minimize any problems, the operator shall change the hours of operation, as prescribed by the Police Department.
34. The maximum enrollment capacity of 54 children, contemplated and approved under CUP-232-2023, is contingent upon the applicant obtaining final approval and acknowledgement in writing of a waiver from the California Department of Social Services for any indoor or outdoor activity space(s), including any other applicable requirements by CDSS, prior to commencement of operation of the preschool/daycare. Provided the applicant has successfully obtained the necessary waiver for indoor and/or outdoor activity space, along with the State license for the preschool/daycare facility, the facility is permitted a maximum enrollment capacity of 54 children, as proposed. In the event that the applicant is unable to obtain approval of a waiver from CDSS from any applicable State law requirements, including those related to minimum indoor and/or outdoor activity spaces, that would preclude the proposed maximum enrollment capacity of 54 children, the applicant shall limit the maximum number of children for the preschool, as required and stipulated by the approved State license for the facility. At no time, nor under any circumstance, shall the facility exceed a maximum capacity of 54 children, unless the applicant has obtained necessary approval to modify the existing Conditional Use Permit or obtain approval of a new Conditional Use Permit, as determined by the Community and Economic Development Department and approved by the appropriate hearing body.
35. The Applicant shall ensure there is no dumping and/or storing of products, items, or other, relating to its business operation, on the property or around the subject tenant space. The applicant shall ensure the areas near and around the subject tenant space are free and clear of any products, items, trash/litter, dumped items, or other similar potential nuisances.
36. 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.
37. All rear doors shall be kept closed at all times during the operation of the licensed premises, except to permit employee ingress and egress, deliveries, and in emergencies.

38. If, at any time, the subject property cannot accommodate the parking demand generated by the preschool/daycare resulting in a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, the applicant shall devise and implement a plan, prepared by a licensed traffic engineer and approved by the City, to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage the parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility and/or revocation of Conditional Use Permit No. CUP-232-2023.

39. All children drop-off and pick-up shall occur on-site and shall not impact on- or off-site circulation.
40. The applicant shall prepare a parking and circulation plan for the preschool/daycare facility that is available for parents. The plan shall identify the on-site, one-way, circulation patterns for all vehicles. The plan shall identify the drive aisle located along Garden Grove Boulevard as the main entrance and exit driveway. The plan shall show the approved drop-off and pick-up area within the rear parking area. A copy of the parking and circulation plan shall be submitted to the Planning Division within 30-days from the date of this approval.
41. All children shall remain under the supervision of the operator or staff at all times, and shall not be permitted to wander or freely roam outside the building, except within the playground area.
42. All parking lot areas of the licensed premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lots. The applicant shall ensure that all parking lot lighting is in proper working order.

43. Lighting in the parking area of the licensed premises shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences.
44. 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.
45. The trash bin(s) shall be kept inside the trash enclosure(s), and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
46. The applicant/property owner shall abate all graffiti vandalism within the premises. The 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 property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
47. 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.
48. 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.
49. 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.
50. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).

51. 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. Any opaque material applied to the store front, such as window shall count toward the maximum window coverage area.
52. 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.
53. Conditional Use Permit No. CUP-047-2015 is hereby revoked and shall become null and void, and superseded in its entirety, by the approval of CUP-232-2023.
54. A copy of Decision No. 1834-23 approving Conditional Use Permit No. CUP-232-2023 shall be kept on the licensed premises at all times.
55. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-232-2023, and his/her agreement with all conditions of the approval.
56. This Conditional Use Permit may be called for review by City Staff, the City Council, or the Planning Commission for any reason, including 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.
57. A copy of CUP-232-2023 shall be made available upon request by City Staff and/or Police Department.
58. 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 Conditional Use Permit No. CUP-232-2023. 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.

59. 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-232-2023 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.
60. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3503.5, and 3515 of the California Fish and Game regulations, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.
61. ***In an effort to minimize noise from the outdoor playground, the Applicant shall install rubber flooring tiles, artificial turf, or other design features and/or flooring materials that provide adequate sound attenuation. The materials shall be maintained and kept free of any tears, holes, and in a fadeless condition.***
62. ***The Applicant shall install sound curtains/panels along the full length of the block wall located on the east side of the playground that provide adequate sound attenuation. The outdoor sound curtains/panels shall be maintained and kept free of any tears, holes, and in a fadeless condition.***

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 2.a.	SITE LOCATION: Northeast corner of Lampson Avenue and 9 th Street, at 12432 9 th Street
HEARING DATE: February 23, 2023	GENERAL PLAN: Low Density Residential (LDR)
CASE NO.: Conditional Use Permit No. CUP-233-2023	ZONE: R-1 (Single-Family Residential)
APPLICANT: Smartlink (c/o AT&T Mobility)	APN: 090-521-25
PROPERTY OWNER: St. Olaf Church	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 eucalyptus tree (mono-eucalyptus), along with a 375 square-foot (25 feet x 15 feet) equipment enclosure, on a site located at 12432 9th Street (Assessor's Parcel No. 090-521-25).

BACKGROUND:

The subject site is approximately 3.37 acres and is located on the northeast corner of Lampson Avenue and 9th Street, at 12432 9th Street. The site is improved with the existing St. Olaf Lutheran Church facility and is comprised of eight (8) pad buildings. The site is improved with the main sanctuary building, pre-school and daycare facilities, outdoor play areas, a basketball court, and existing wireless telecommunication facilities.

The subject property has a General Plan Land Use designation of Low Density Residential (LDR) and is zoned R-1 (Single-Family Residential). The property abuts R-1 (Single-Family Residential) zoned properties to the north, east, across 9th Street, to the west, and across Lampson Avenue, to the south. Existing surrounding uses include a mix of single-family residences and multi-family residential developments.

In 1982, the City of Garden Grove approved Conditional Use Permit No. CUP-107-82, which allowed the construction of a 4,620 square foot, two-story building to establish additional pre-school facilities and an educational hall, located toward the northeast corner of the church facility. The approval required the church

site to maintain 145 parking spaces. The church site currently has 160 parking spaces.

On July 9, 2007, the City of Garden Grove approved Director's Review No. DR-23-07, which allowed the installation of building-mounted cellular antennas in the existing tower located on the subject site. On June 12, 2008, the City of Garden Grove approved Conditional Use Permit No. CUP-234-2008, which allowed the construction of a 50'-0" mono-pine wireless facility, located within a planter in the southerly parking lot (entrance from Lampson Avenue), and its associated detached 407 square-foot equipment enclosure, located 68'-0" west of the mono-pine wireless facility.

The applicant, Smartlink c/o AT&T Mobility, is requesting approval to construct a new 60'-0" tall wireless telecommunication facility disguised as a eucalyptus tree (mono-eucalyptus), along with related equipment to be installed within an eight-foot (8'-0") tall, twenty-five foot (25'-0") by fifteen-foot (15'-0") equipment enclosure. A Conditional Use Permit is required to allow the construction of a new wireless telecommunication facility.

A new facility is needed by AT&T Mobility in order to close a significant gap in coverage to relieve network traffic congestion, and ensure reliable levels of service due to AT&T's existing and surrounding wireless facilities becoming overloaded beyond their capacity when more enhanced voice and data services are used (5G and other high-speed data services). In order to allow the construction of the proposed mono-eucalyptus wireless telecommunication facility, approval of a new Conditional Use Permit is required.

DISCUSSION:

The applicant is proposing to lease 375 square feet of land area, directly east of an existing classroom building, to install a new sixty-foot (60'-0") tall wireless telecommunication facility disguised as a eucalyptus tree (mono-eucalyptus), along with related equipment to be installed within an eight-foot (8'-0") tall, twenty-five foot (25'-0") by fifteen-foot (15'-0") equipment enclosure. The equipment enclosure is proposed as a block wall painted to match the color of the existing block walls. The proposed equipment enclosure will house ground-mounted equipment, which will include one (1) DC power plant, two (2) Purcell cabinets (stacked), one (1) generator, and four (4) surge suppression units, in addition to other smaller mechanical equipment.

The proposed structure(s) will be supplemented with a 12'-0" wide AT&T non-exclusive access route (for underground power and fiber conduits), along with an AT&T non-exclusive maintenance parking space. The proposed equipment enclosure will be located primarily within an existing planter area, with minor modifications to the existing parking area immediately adjacent to the enclosure. There is an existing drive aisle adjacent to (just north of) the proposed equipment enclosure, which will remain clear and unobstructed and will not be affected by the proposed wireless facility. One (1) existing tree will be removed to construct the equipment enclosure.

As part of the approval of Conditional Use Permit No. CUP-107-82, it was identified that the church site is required to maintain a minimum of 145 parking spaces. Currently the site provides 160 parking spaces, resulting in the surplus of fifteen 15 parking spaces. The location of the proposed equipment enclosure, which will also house the mono-eucalyptus wireless facility, is within an existing planter adjacent to a driveway aisle and will result in the elimination of four (4) existing parking spaces. Therefore, subsequent to the development of the project, the site will maintain 156 parking spaces, which exceeds the minimum parking required. In addition, Conditions of Approval, under CUP-233-2023, will require that all existing parking lot areas, inclusive of parking lot modifications proposed under this project, will be adequately striped and maintained at all times.

With exception to the aforementioned modifications to the existing parking area immediately adjacent to the enclosure, the remaining existing parking areas, existing landscape planters, and vehicular and pedestrian access to the church building(s) will remain unaffected.

The new sixty-foot (60'-0") tall mono-eucalyptus will be installed within the equipment enclosure. The proposed mono-eucalyptus will consist of nine (9) eight-foot (8'-0") tall panel antennas (three sectors with three (3) panel antennas per sector) mounted at the 53'-0" antenna centerline, and six (6) 31-inch tall air antennas (two (2) stacked air antennas per sector) mounted at the 55'-0" antenna centerline. Each sector will be attached to the pole of the mono-eucalyptus by a four-foot (4'-0") long T-arm antenna mount. Six (6) surge suppression units will be attached to each T-arm antenna mount along with 36 remote radio units (RRUs) (three-sectors with twelve (12) radios per sector). One four-foot (4'-0") microwave antenna will be installed and attached to the main pole of the mono-eucalyptus at the 42'-0" microwave antenna centerline. Conditions of approval have been incorporated that will ensure the mono-eucalyptus 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-eucalyptus branches. The proposed mono-eucalyptus facility will blend with the existing trees on the site and will not have any negative aesthetic impacts.

The additional telecommunication facility will help expand AT&T's coverage area within the City, and help fill gaps that currently exist in their network. Figure A and B- "Propagation Site Plots", provided by the applicant, demonstrate areas with significant gaps-in-coverage within the network before and after the subject wireless facility is installed. 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.

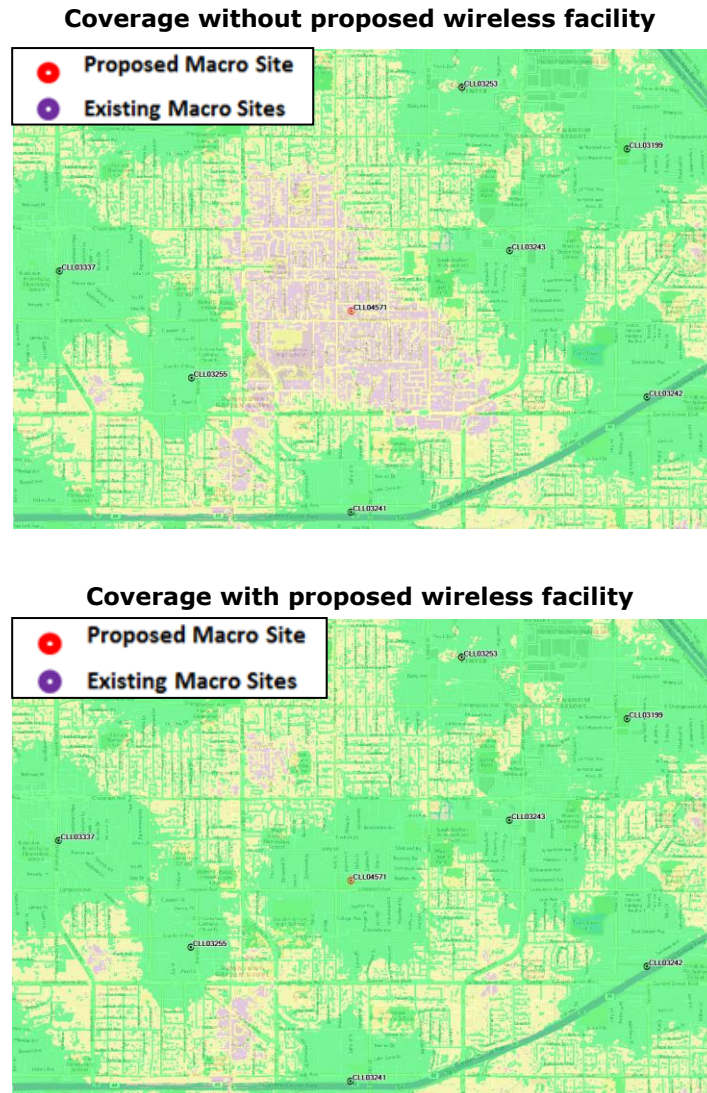


Figure A: Propagation Site Plots

California Environmental Quality Act (CEQA)

Staff believes the proposed development is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 3 exemption, New Construction or Conversion of Small Structures (CEQA Guidelines §15303). Subsection (c) of this exemption includes the construction of a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, this exemption also applies to up to four (4) such commercial buildings not exceeding 10,000 square feet in floor area within an urbanized area, and in a zone that allows for such a use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive (CEQA Guidelines §15303.(c)). The proposed wireless telecommunication facility is located in an urbanized area, is less than 10,000 square feet in floor area, does not involve

the use of a significant amount of hazardous materials, and is a permitted improvement in the R-1 (Single-Family Residential) zoning district. Therefore, staff recommends that the Zoning Administrator determine the project to be exempt from CEQA.

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

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

- Adopt Decision No. 1835-23 approving Conditional Use Permit No. CUP-233-2023, subject to the recommended Conditions of Approval.



Maria Parra
Planning Services Manager



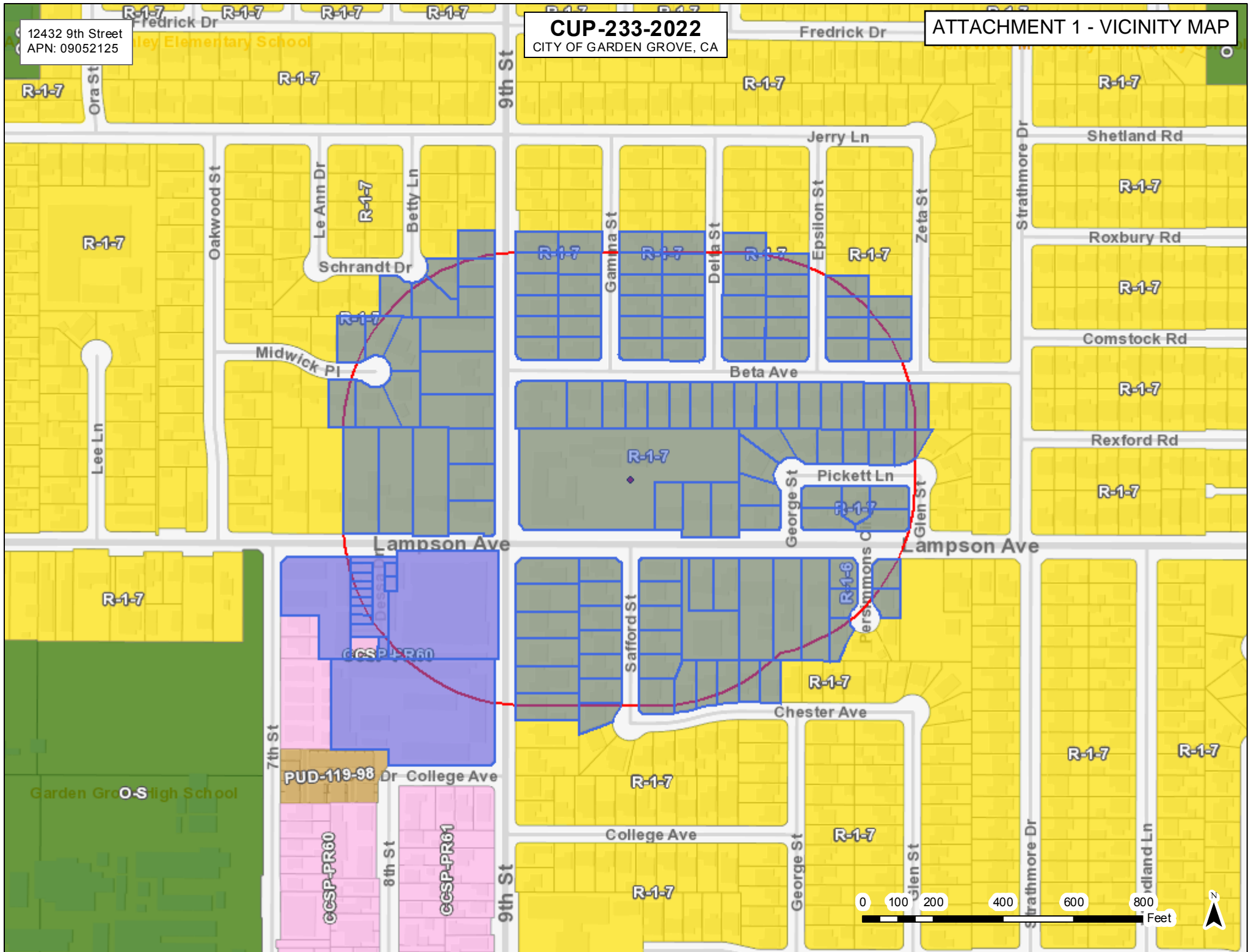
By: Shehriyar Khan
Contract Planner

Attachment 1: Vicinity Map
Attachment 2: Plans

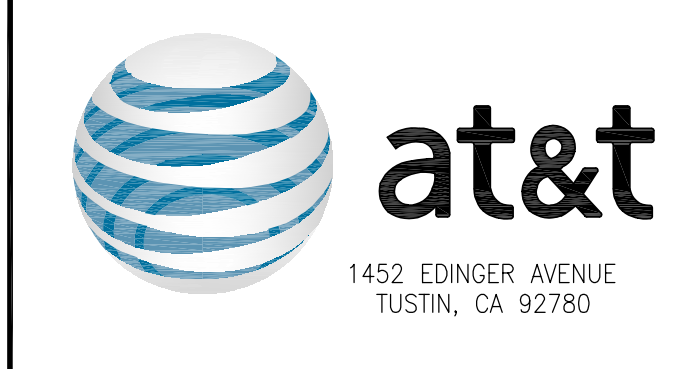
12432 9th Street
APN: 09052125

CUP-233-2022
CITY OF GARDEN GROVE, CA

ATTACHMENT 1 - VICINITY MAP



NOTES:
 PROPOSED POWER AND TELCO PLAN IS PRELIMINARY
 AND SUBJECT TO CHANGE PENDING FINAL DESIGN FROM
 THE UTILITY COMPANY.



REV	DATE	DESCRIPTION
3	01/18/2023	REVISED LOCATION OF LEASE AREA
2	11/17/2022	REVISED ANTENNA CONFIG.
1	10/25/2022	PLANNING COMMENTS
0	08/26/2022	100% ZDS
A	07/22/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/18/2023

ISSUED FOR: PLANNING SUBMITTAL

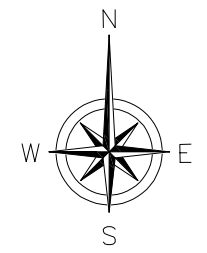
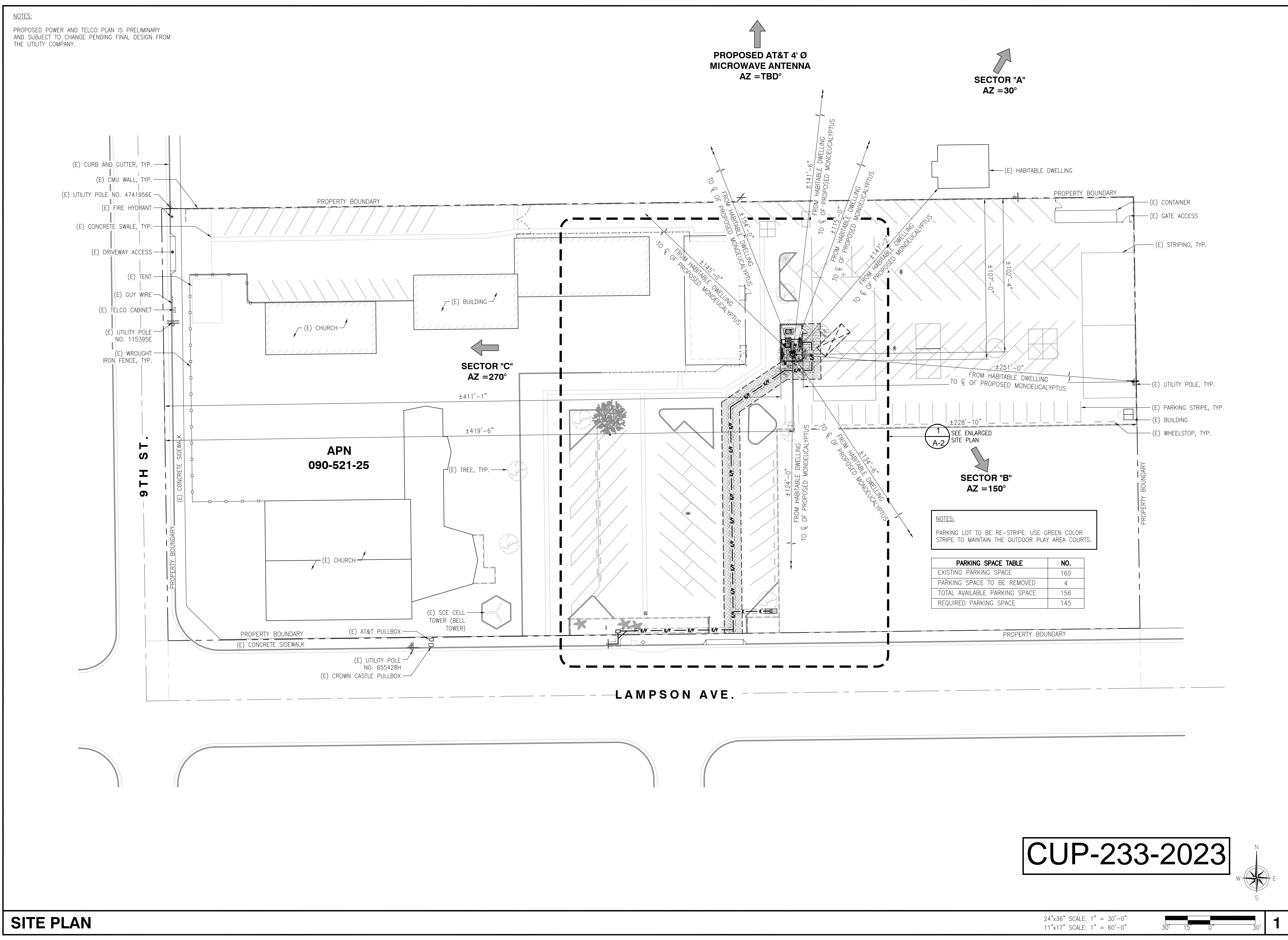
LICENSURE:

PROJECT INFORMATION:
 CLL04571
 ST. OLAF LUTHERAN CHURCH
 12432 9TH ST.,
 GARDEN GROVE, CA 92840

DRAWN BY: AXN
 CHECKED BY: SVF

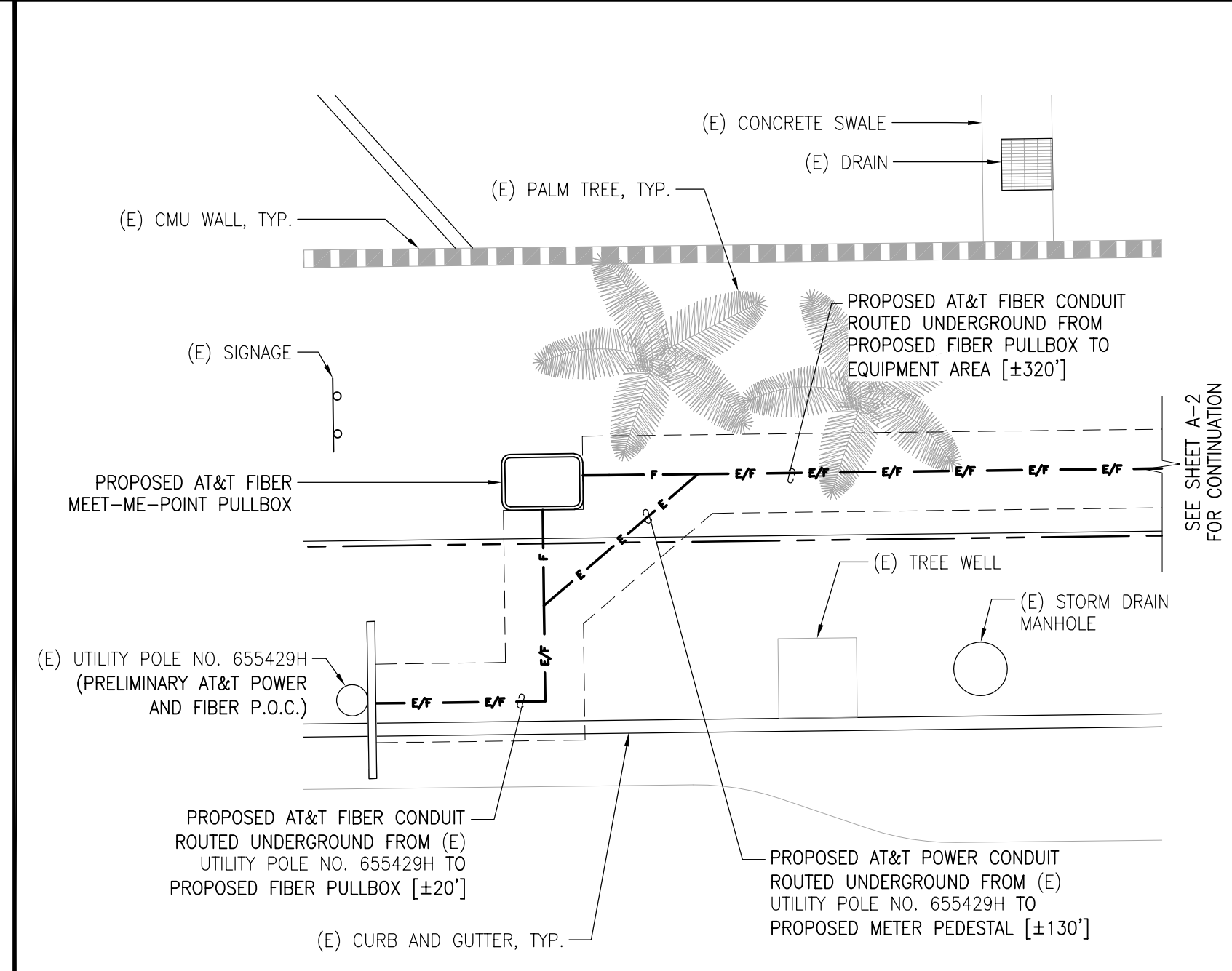
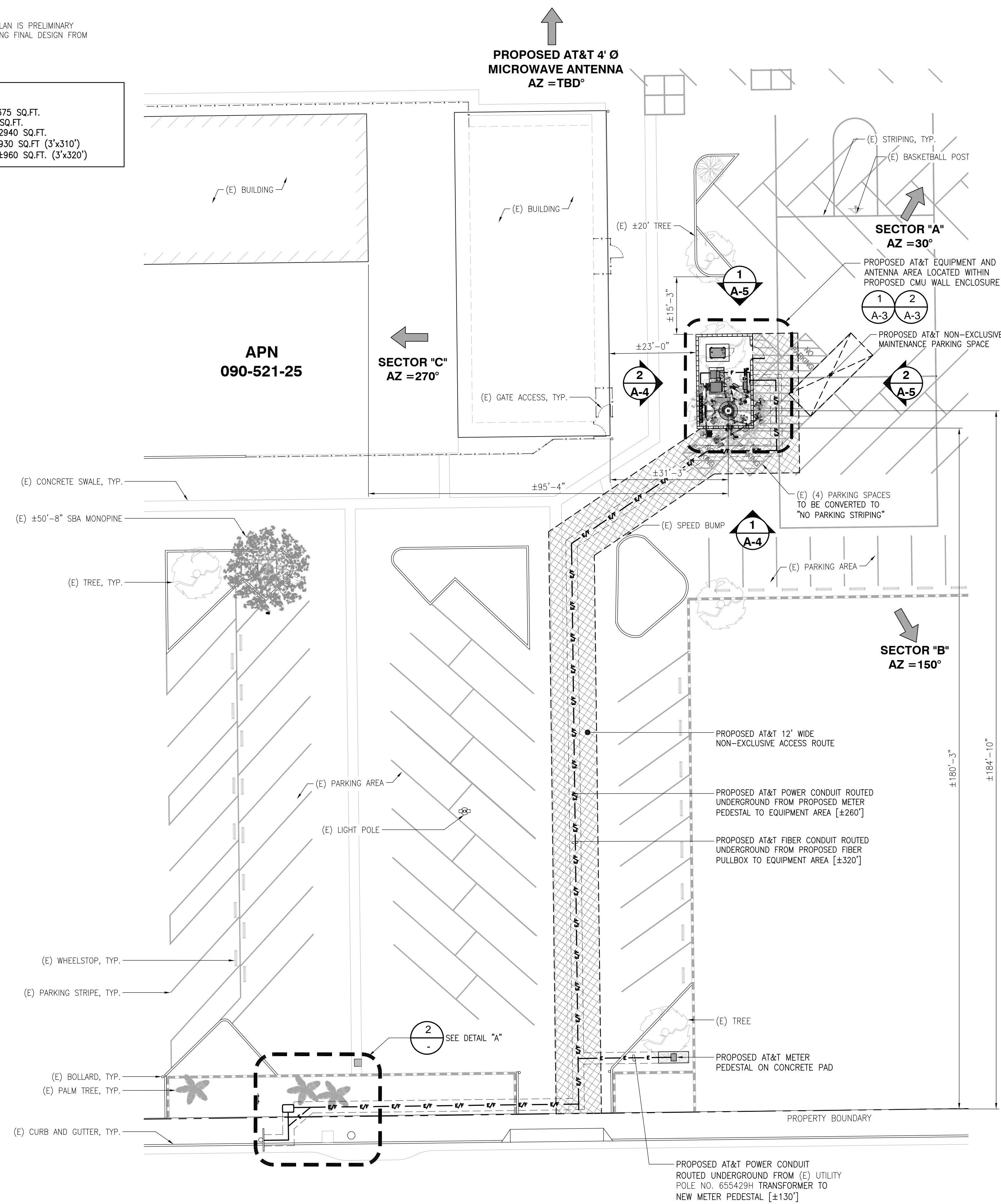
SHEET TITLE: SITE PLAN

SHEET NUMBER: A-1



NOTES:
 PROPOSED POWER AND TELCO PLAN IS PRELIMINARY
 AND SUBJECT TO CHANGE PENDING FINAL DESIGN FROM
 THE UTILITY COMPANY.

LEASE AREA CALCULATION:
 EQUIPMENT LEASE AREA: ±375 SQ.FT.
 AERIAL LEASE AREA: ±220 SQ.FT.
 NON EXCLUSIVE ACCESS: ±2940 SQ.FT.
 FIBER UTILITY EASEMENT: ±930 SQ.FT. (3'x310')
 POWER UTILITY EASEMENT: ±960 SQ.FT. (3'x320')



DETAIL "A" 24"x36" SCALE: 3/16" = 1'-0" 11"x17" SCALE: 3/32" = 1'-0" 2

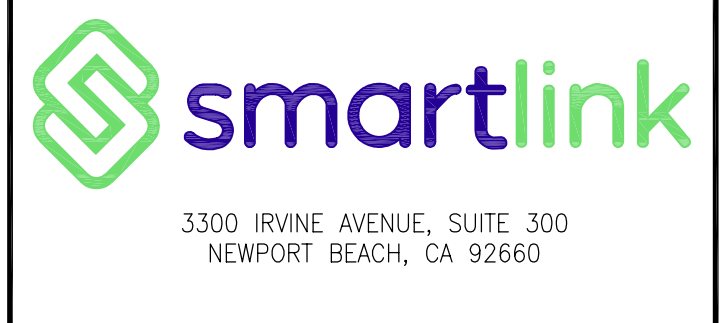
NOTES:
 PARKING LOT TO BE RE-STRIPE. USE GREEN COLOR STRIPE TO MAINTAIN THE OUTDOOR PLAY AREA COURTS.

PARKING SPACE TABLE	NO.
EXISTING PARKING SPACE	160
PARKING SPACE TO BE REMOVED	4
TOTAL AVAILABLE PARKING SPACE	156
REQUIRED PARKING SPACE	145

CUP-233-2023

ENLARGED SITE PLAN

24"x36" SCALE: 1/16" = 1'-0" 11"x17" SCALE: 1/32" = 1'-0" 1



REV	DATE	DESCRIPTION
3	01/18/2023	REVISED LOCATION OF LEASE AREA
2	11/17/2022	REVISED ANTENNA CONFIG.
1	10/25/2022	PLANNING COMMENTS
0	08/26/2022	100% ZDS
A	07/22/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/18/2023

ISSUED FOR: PLANNING SUBMITTAL

LICENSURE:

PROJECT INFORMATION:
 CLL04571
 ST. OLAF LUTHERAN CHURCH
 12432 9TH ST.,
 GARDEN GROVE, CA 92840

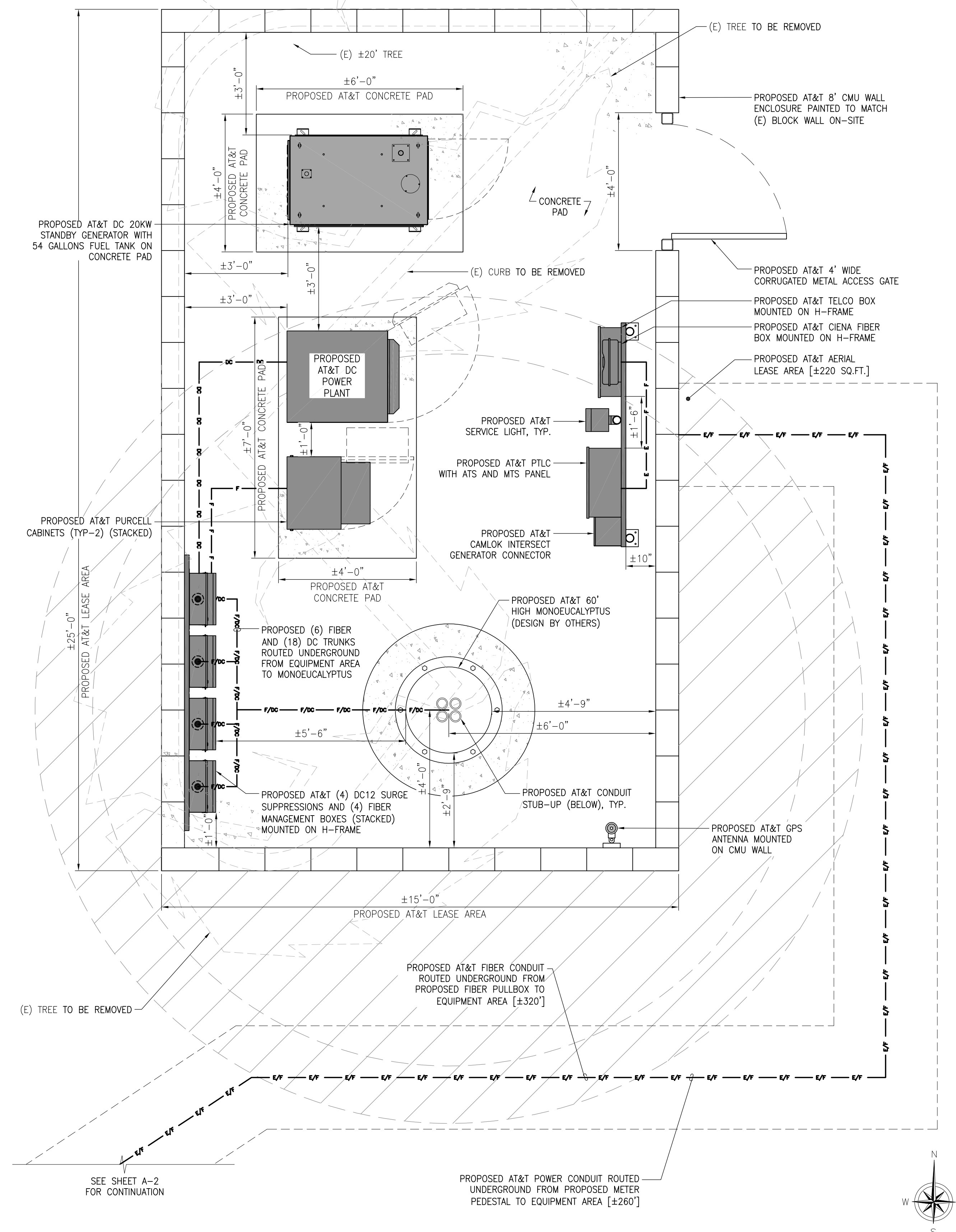
DRAWN BY: AXN
 CHECKED BY: SVF

SHEET TITLE: ENLARGED SITE PLAN

SHEET NUMBER: A-2

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.

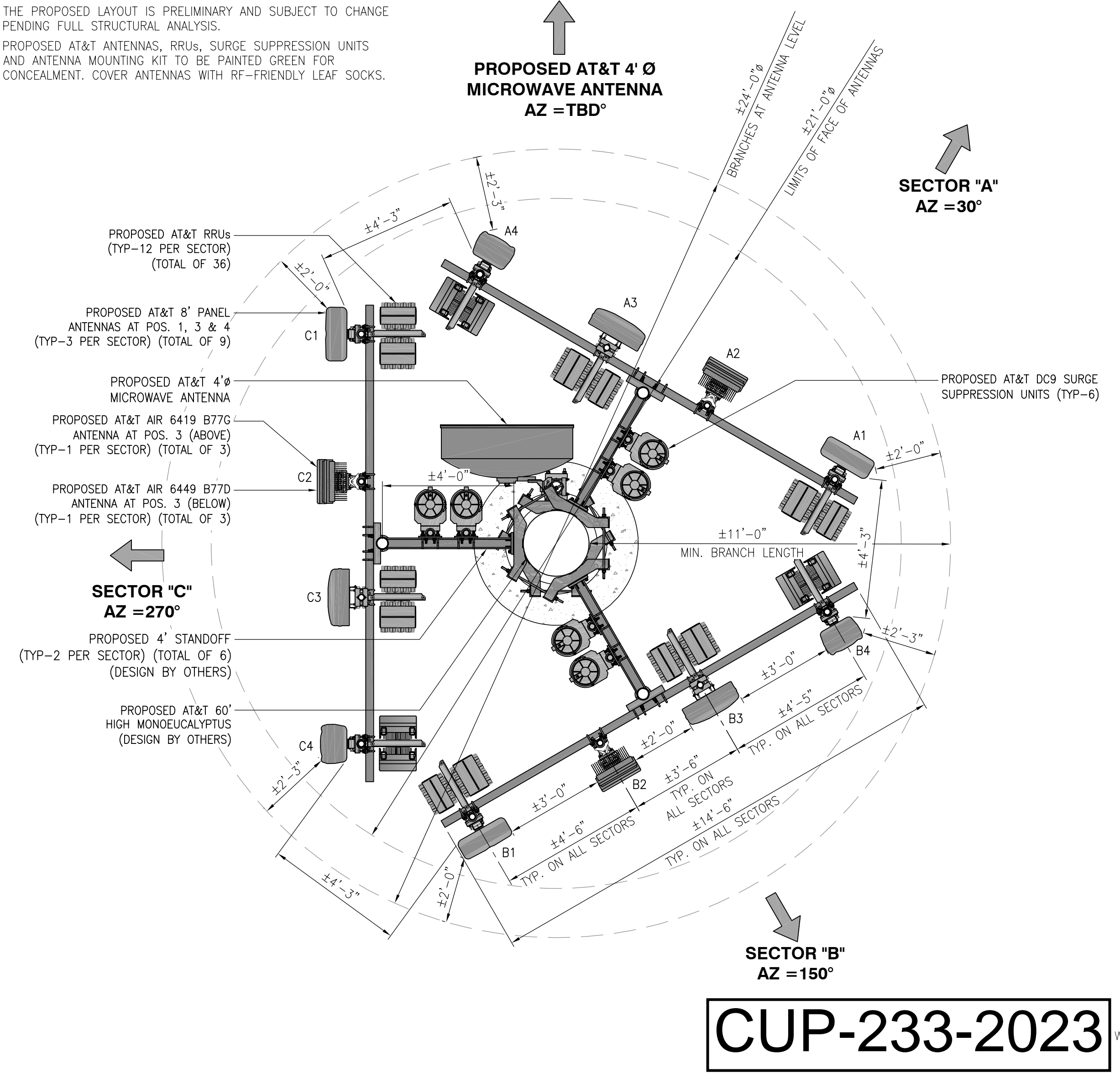
PROPOSED AT&T EQUIPMENT LEASE AREA:
±375 SQUARE FEET
PROPOSED AT&T AERIAL LEASE AREA:
±220 SQUARE FEET



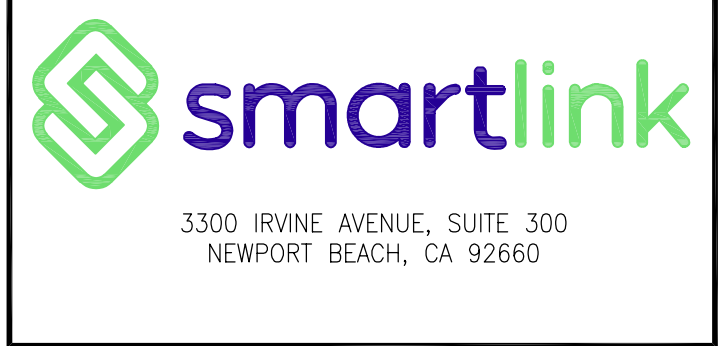
PROPOSED ANTENNA SCHEDULE

ANTENNA POSITION	STATUS	RAD CENTER	TECHNOLOGY	ANTENNA MAKE/MODEL	AZIMUTH	ANTENNA COUNT	FILTER COUNT	TMA COUNT	TRANSMISSION LENGTH	TRANSMISSION TYPE(S)	RRUS MAKE/MODEL	RRUS COUNT
ALPHA SECTOR	A1	±53°-0"	LTE 700BC/850/1900/AWS	COMMSCOPE NNH4-65C-R6-V3 96.0"HX19.6"WX7.8"D	30°	1	-	-	±70°-0"	(6) POWER TRUNKS AND (2) FIBER TRUNKS	ERICSSON RRUS	4
	A2	±55°-10"	C-BAND DOD	ERICSSON AIR 6419 B77G 28.3"HX16.1"WX7.9"D	30°	1	-	-	±70°-0"		ERICSSON AIR 6419 B77G	1
	A2	±52°-4"	C-BAND	ERICSSON AIR 6449 B77D 31"HX15.9"WX8.7"D	30°	1	-	-	±70°-0"		ERICSSON AIR 6449 B77D	1
	A3	±53°-0"	LTE 700 FN	CCI OPA65R-BU8DA-K 96"HX21"WX7.8"D	30°	1	-	-	±70°-0"		ERICSSON RRUS	4
BETA SECTOR	B1	±53°-0"	LTE 700BC/850/1900/AWS	COMMSCOPE NNH4-65C-R6-V3 96.0"HX19.6"WX7.8"D	150°	1	-	-	±70°-0"	(6) POWER TRUNKS AND (2) FIBER TRUNKS	ERICSSON RRUS	4
	B2	±55°-10"	C-BAND DOD	ERICSSON AIR 6419 B77G 28.3"HX16.1"WX7.9"D	150°	1	-	-	±70°-0"		ERICSSON AIR 6419 B77G	1
	B2	±52°-4"	C-BAND	ERICSSON AIR 6449 B77D 31"HX15.9"WX8.7"D	150°	1	-	-	±70°-0"		ERICSSON AIR 6449 B77D	1
	B3	±53°-0"	LTE 700 FN	CCI OPA65R-BU8DA-K 96"HX21"WX7.8"D	150°	1	-	-	±70°-0"		ERICSSON RRUS	4
GAMMA SECTOR	C1	±53°-0"	LTE 700BC/850/1900/AWS	COMMSCOPE NNH4-65C-R6-V3 96.0"HX19.6"WX7.8"D	270°	1	-	-	±70°-0"	(6) POWER TRUNKS AND (2) FIBER TRUNKS	ERICSSON RRUS	4
	C2	±55°-10"	C-BAND DOD	ERICSSON AIR 6419 B77G 28.3"HX16.1"WX7.9"D	270°	1	-	-	±70°-0"		ERICSSON AIR 6419 B77G	1
	C2	±52°-4"	C-BAND	ERICSSON AIR 6449 B77D 31"HX15.9"WX8.7"D	270°	1	-	-	±70°-0"		ERICSSON AIR 6449 B77D	1
	C3	±53°-0"	LTE 700 FN	CCI OPA65R-BU8DA-K 96"HX21"WX7.8"D	270°	1	-	-	±70°-0"		ERICSSON RRUS	4
MW	PROPOSED	±42°-0"	-	4' MICROWAVE ANTENNA	TBD	1	-	-	±60°-0"	ERICSSON RRUS	4	

- NOTES:
- THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 - PROPOSED AT&T ANTENNAS, RRUS, SURGE SUPPRESSION UNITS AND ANTENNA MOUNTING KIT TO BE PAINTED GREEN FOR CONCEALMENT. COVER ANTENNAS WITH RF-FRIENDLY LEAF SOCKS.



CUP-233-2023



REV	DATE	DESCRIPTION
3	01/18/2023	REVISED LOCATION OF LEASE AREA
2	11/17/2022	REVISED ANTENNA CONFIG.
1	10/25/2022	PLANNING COMMENTS
0	08/26/2022	100% ZDS
A	07/22/2022	90% ZD'S FOR REVIEW

ISSUED DATE: **01/18/2023**

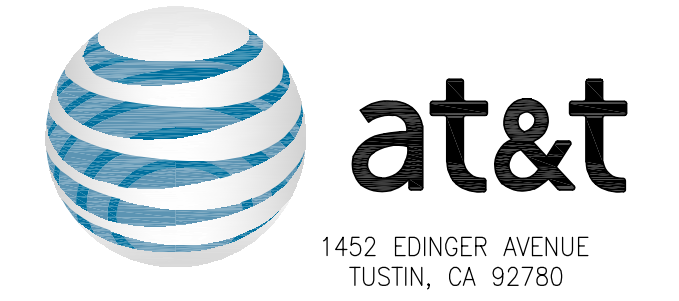
ISSUED FOR: **PLANNING SUBMITTAL**

PROJECT INFORMATION:
CLL04571
ST. OLAF LUTHERAN CHURCH
12432 9TH ST.,
GARDEN GROVE, CA 92840

DRAWN BY: AXN
CHECKED BY: SVF

SHEET TITLE: **EQUIPMENT LAYOUT AND ANTENNA PLAN**

SHEET NUMBER: **A-3**



REV	DATE	DESCRIPTION
3	01/18/2023	REVISED LOCATION OF LEASE AREA
2	11/17/2022	REVISED ANTENNA CONFIG.
1	10/25/2022	PLANNING COMMENTS
0	08/26/2022	100% ZDS
A	07/22/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/18/2023

ISSUED FOR: PLANNING SUBMITTAL

LIENSURE:

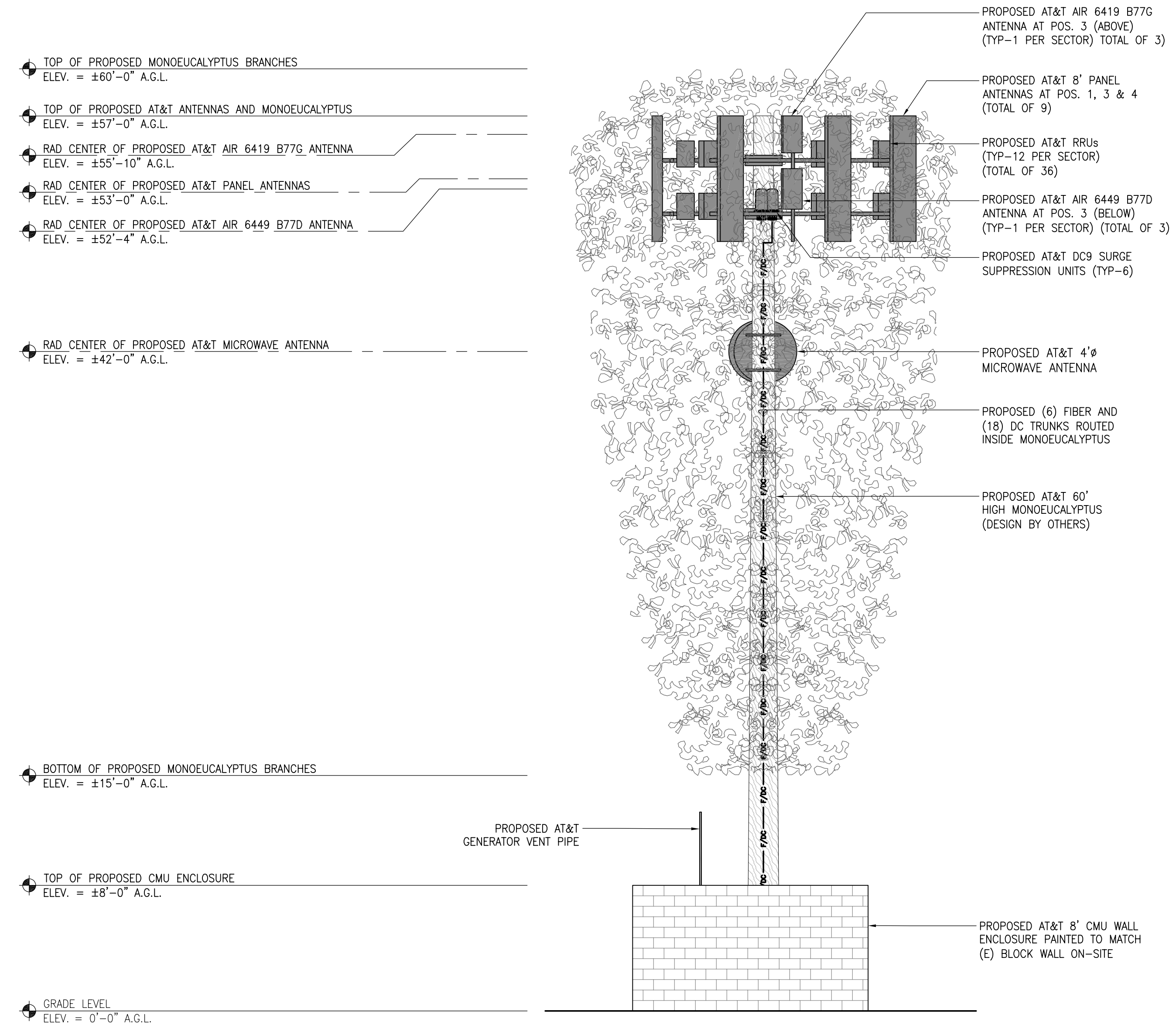
PROJECT INFORMATION:
 CLL04571
 ST. OLAF LUTHERAN CHURCH
 12432 9TH ST.,
 GARDEN GROVE, CA 92840

DRAWN BY: AXN
 CHECKED BY: SVF

SHEET TITLE: ELEVATIONS

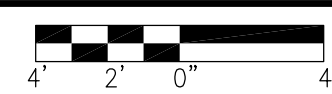
SHEET NUMBER: A-4

- NOTES:
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED AT&T ANTENNAS, RRUS, SURGE SUPPRESSION UNITS AND ANTENNA MOUNTING KIT TO BE PAINTED GREEN FOR CONCEALMENT. COVER ANTENNAS WITH RF-FRIENDLY LEAF SOCKS.



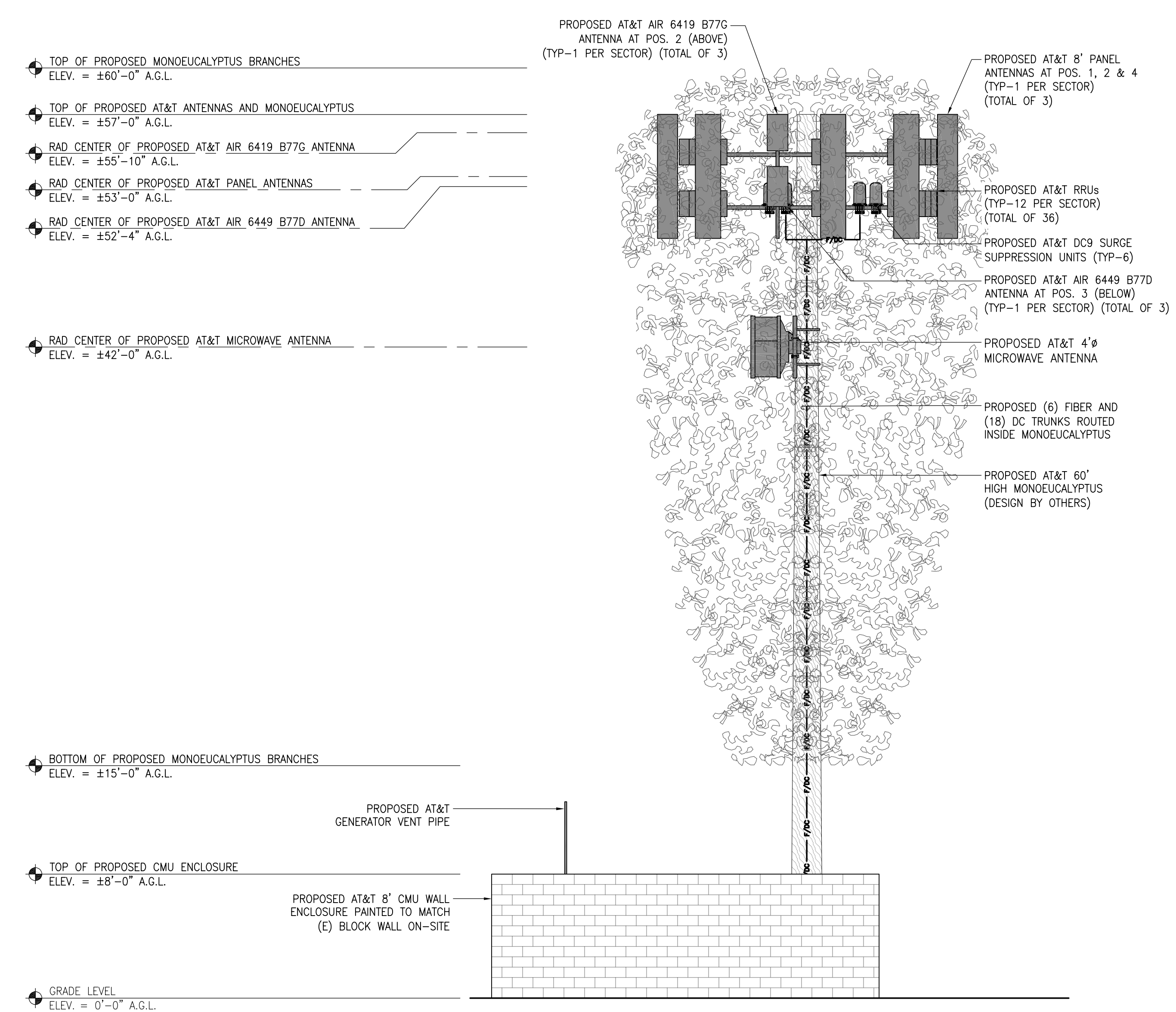
PROPOSED SOUTH ELEVATION

24"x36" SCALE: 3/16" = 1'-0"
 11"x17" SCALE: 3/32" = 1'-0"



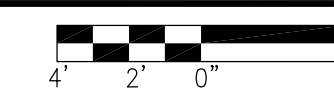
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- NOTES:
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED AT&T ANTENNAS, RRUS, SURGE SUPPRESSION UNITS AND ANTENNA MOUNTING KIT TO BE PAINTED GREEN FOR CONCEALMENT. COVER ANTENNAS WITH RF-FRIENDLY LEAF SOCKS.



PROPOSED WEST ELEVATION

24"x36" SCALE: 3/16" = 1'-0"
 11"x17" SCALE: 3/32" = 1'-0"



2

CUP-233-2023



REV	DATE	DESCRIPTION
3	01/18/2023	REVISED LOCATION OF LEASE AREA
2	11/17/2022	REVISED ANTENNA CONFIG.
1	10/25/2022	PLANNING COMMENTS
0	08/26/2022	100% ZDS
A	07/22/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/18/2023

ISSUED FOR: PLANNING SUBMITTAL

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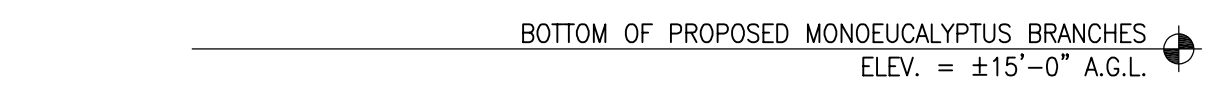
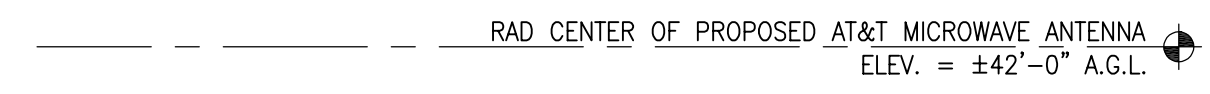
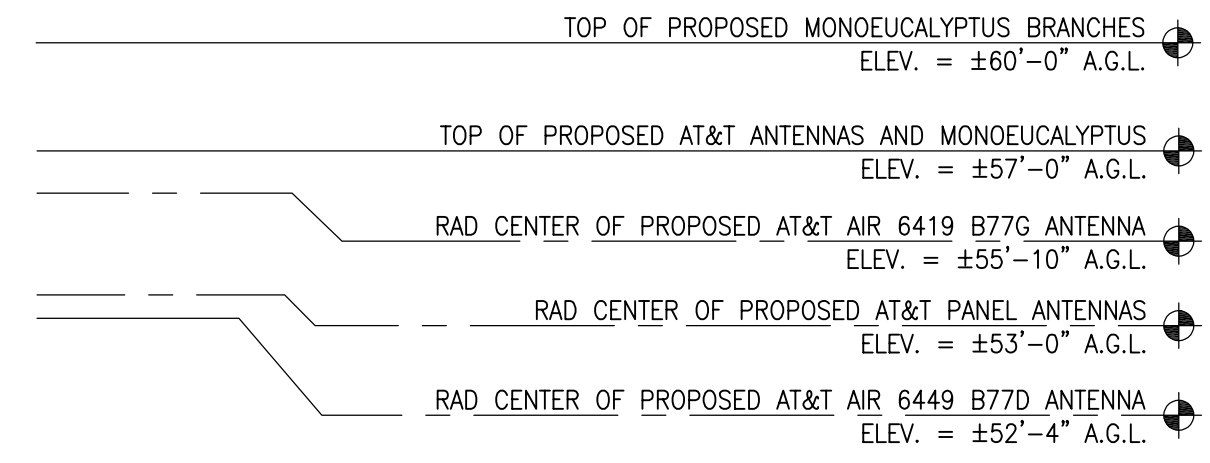
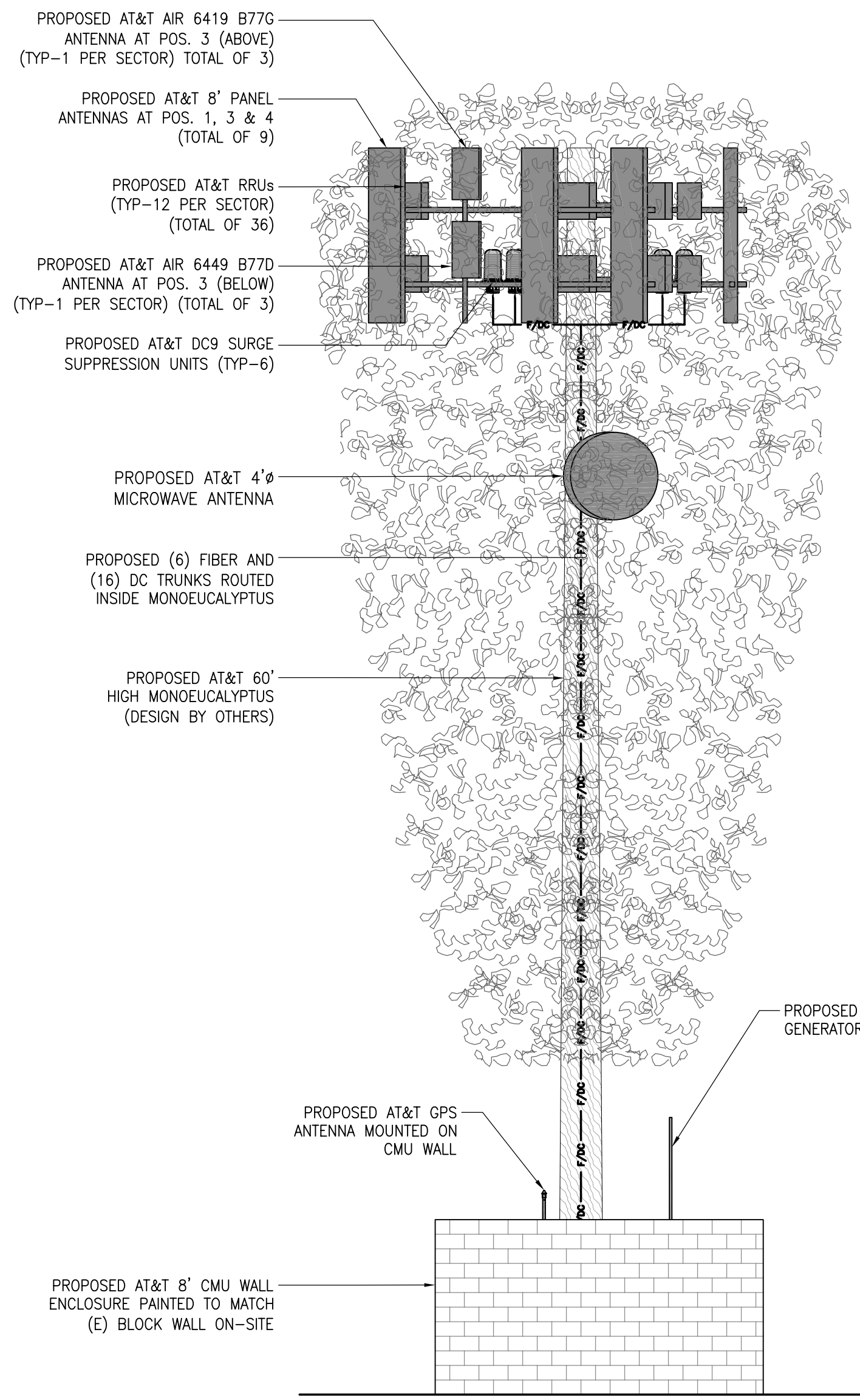
PROJECT INFORMATION:
 CLL04571
 ST. OLAF LUTHERAN CHURCH
 12432 9TH ST.,
 GARDEN GROVE, CA 92840

DRAWN BY: AXN
 CHECKED BY: SVF

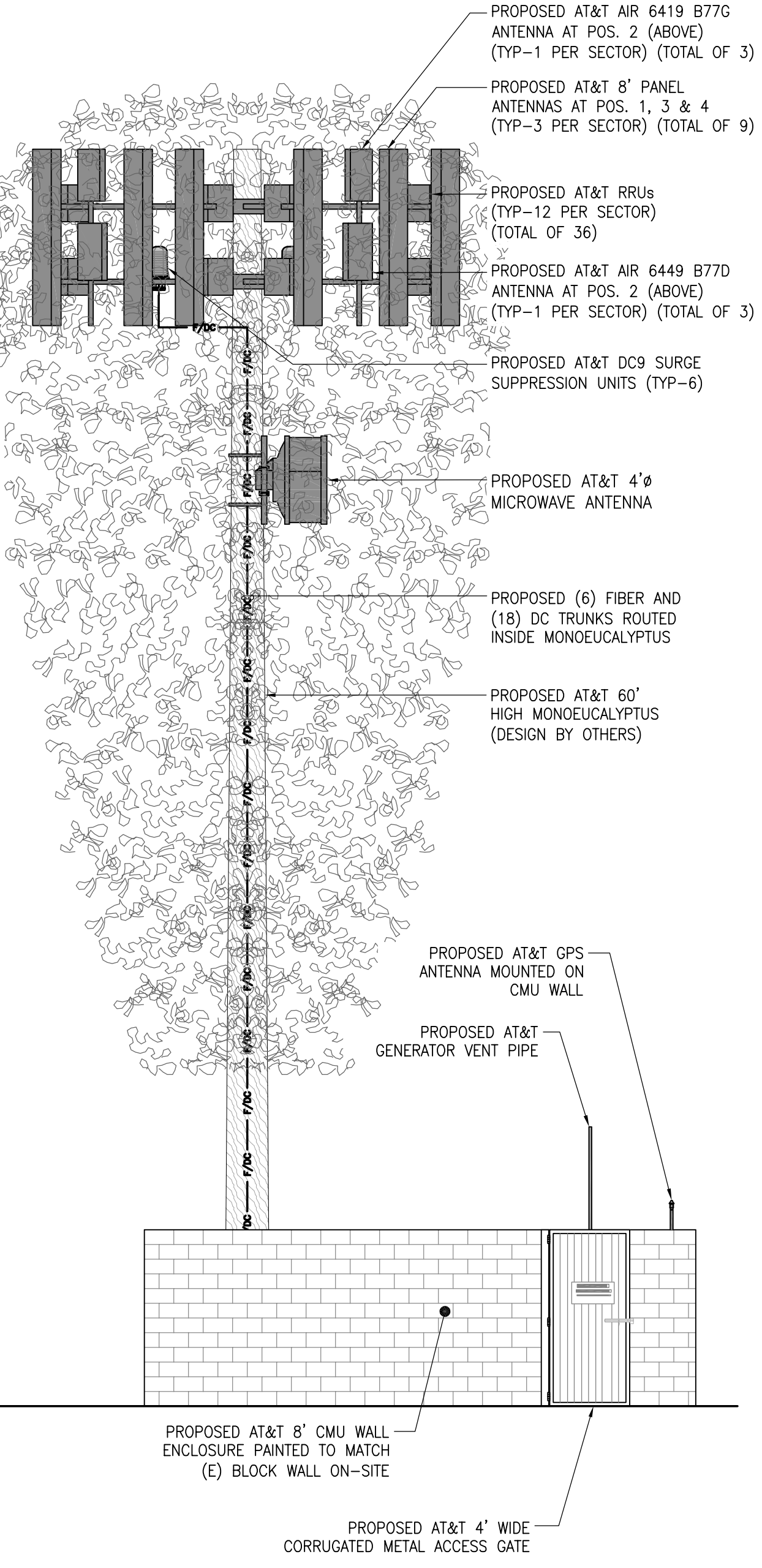
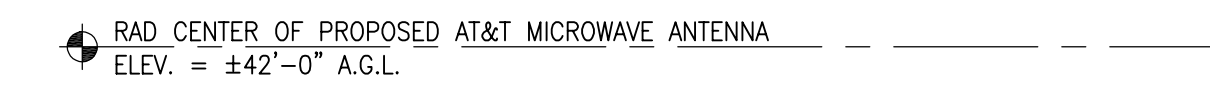
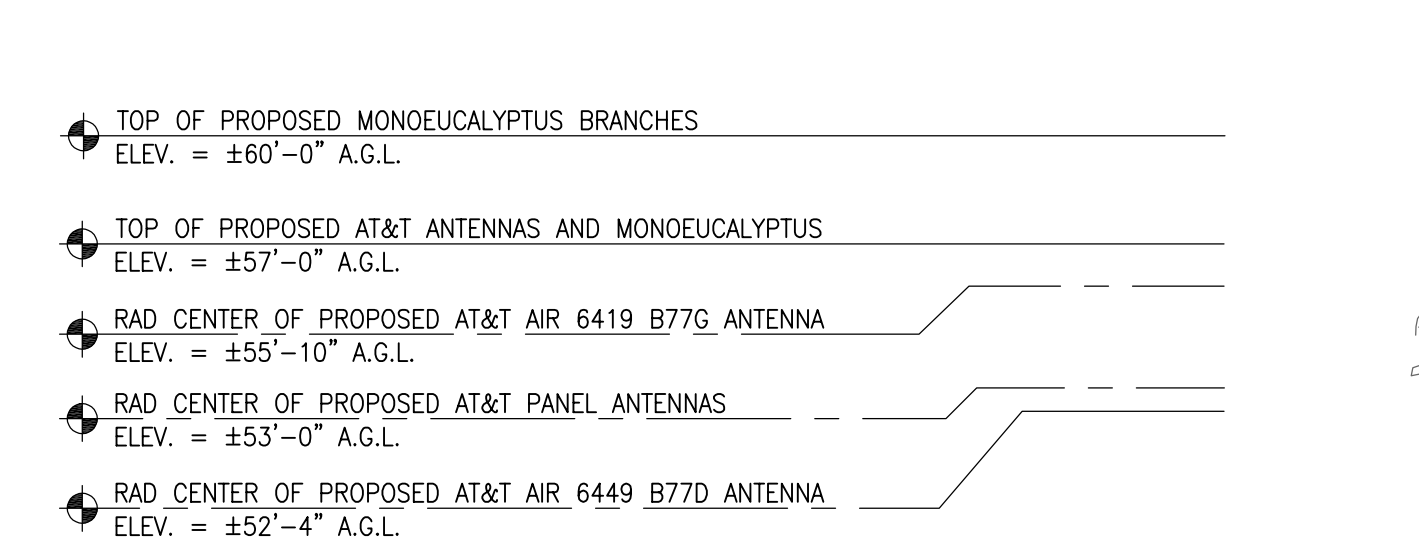
SHEET TITLE: ELEVATIONS

SHEET NUMBER: A-5

- NOTES:
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED AT&T ANTENNAS, RRU'S, SURGE SUPPRESSION UNITS AND ANTENNA MOUNTING KIT TO BE PAINTED GREEN FOR CONCEALMENT. COVER ANTENNAS WITH RF-FRIENDLY LEAF SOCKS.



- NOTES:
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED AT&T ANTENNAS, RRU'S, SURGE SUPPRESSION UNITS AND ANTENNA MOUNTING KIT TO BE PAINTED GREEN FOR CONCEALMENT. COVER ANTENNAS WITH RF-FRIENDLY LEAF SOCKS.



CUP-233-2023

PROPOSED NORTH ELEVATION

24"x36" SCALE: 3/16" = 1'-0"
 11"x17" SCALE: 3/32" = 1'-0"

PROPOSED EAST ELEVATION

24"x36" SCALE: 3/16" = 1'-0"
 11"x17" SCALE: 3/32" = 1'-0"

DECISION NO. 1835-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-233-2023 FOR A PROPERTY LOCATED AT 12432 9th STREET, ASSESSOR'S PARCEL NO. 090-521-25.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-233-2023, for a parcel of land located on the northeast of corner of Lampson Avenue and 9th Street, at 12432 9th Street, Assessor's Parcel No. 090-521-25.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-233-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Smartlink c/o AT&T Mobility, with the authorization of the property owner, St. Olaf Church.
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 eucalyptus tree (mono-eucalyptus) along with a 375 square-foot (25 feet x 15 feet) equipment enclosure, on a site located at 12432 9th Street (Assessor's Parcel No. 090-521-25).
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 Low Density Residential (LDR), and is zoned R-1 (Single-Family Residential). The site is improved with the St. Olaf Lutheran Church of Garden Grove.
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 February 23, 2023, and all interested persons were given an opportunity to be heard; and
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of February 23, 2023; and

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

FACTS:

The subject property is a 3.37 acre site located on the northeast corner of Lampson Avenue and 9th Street, at 12432 9th Street. The site is improved with the existing St. Olaf Lutheran Church facility and is comprised of eight (8) pad buildings. The site is improved with the main sanctuary building, pre-school and daycare facilities, outdoor play areas, a basketball court, existing wireless facilities.

The subject property has a General Plan Land Use designation of Low Density Residential (LDR) and is zoned R-1 (Single-Family Residential). The property abuts R-1 (Single-Family Residential) zoned properties to the north, east, across 9th Street, to the west, and across Lampson Avenue, to the south. Existing surrounding uses include a mix of single-family residences and multi-family residential developments.

The City of Garden Grove approved Conditional Use Permit No. CUP-107-82, which allowed the construction of a two-story building to establish additional pre-school facilities. The City of Garden Grove also approved Director's Review No. DR-23-07, which allowed the installation of building-mounted cellular antennas in the existing tower located on the subject site, and Conditional Use Permit No. CUP-234-2008, which allowed the construction of a 50'-0" mono-pine wireless telecommunication facility and a 407 square foot equipment enclosure.

The applicant, Smartlink, is requesting to construct and operate a new, unmanned, 60'-0" tall mono-eucalyptus wireless telecommunication facility directly east of the existing two-story classroom building, within an existing parking lot. The location of the proposed equipment enclosure is within an existing planter adjacent to a driveway aisle and will result in the elimination of four (4) parking spaces. With the proposed elimination of parking spaces, the Church will maintain 156 parking spaces, which exceeds the required 145 parking spaces.

A new facility is needed by AT&T Mobility in order to close a significant gap in coverage to relieve network traffic congestion, and ensure reliable levels of service due to AT&T's existing and surrounding wireless facilities becoming overloaded beyond their capacity when more enhanced voice and data services are used (5G and other high-speed data services). In order to allow the construction of the proposed mono-eucalyptus wireless telecommunication facility, approval of 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 Low Density Residential (LDR), and is zoned R-1 (Single-Family Residential). The Low Density Residential (LDR) designation is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures,

and single-family residential neighborhoods that provide access to schools, parks, and other community services, such as churches. New stealth wireless telecommunication facilities are conditionally permitted in the R-1 zone. Historically, the City has permitted stealth wireless facilities on properties developed with churches subject to Conditional Use Permit approval. Although there is currently an existing wireless telecommunication facility, and building-mounted cellular antennas on the subject property, Garden Grove Municipal Code does not prohibit an additional wireless facility to be installed on the site. The applicant proposes to construct a new mono-eucalyptus wireless telecommunication facility in order to improve the service coverage area for AT&T Mobility customers. The proposed mono-eucalyptus is compatible with the surrounding uses, and through its mono-eucalyptus design, the facility will maintain a natural appearance, with all attached equipment adequately screened by foliage, and will blend with the existing trees on the site, and will not have negative aesthetic impacts.

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 maintaining a natural appearance through its stealth design.

The design and improvement of the proposed project is consistent with the spirit and intent of the General Plan, through its goals, policies, and implementation programs, including specifically:

Policy LU-2.1: Protect residential areas from the effects of potentially incompatible uses. Where new commercial or industrial development is allowed adjacent to residentially zoned districts, maintain standards for circulation, noise, setbacks, buffer areas, landscaping, and architecture which ensure compatibility between the uses;

Policy LU-2.4: Assure that the type and intensity of land use are consistent with those of the immediate neighborhood; and

Policy LU-4.4: Avoid intrusion of non-residential uses incompatible with established residential neighborhoods.

New stealth wireless telecommunication facilities are conditionally permitted in the R-1 zone, subject to approval of a Conditional Use Permit, and provided the stealth facility maintains a natural appearance, compatible with the surrounding aesthetics of the neighborhood. The stealth facility has been designed to maintain a natural appearance, disguised as a eucalyptus tree (mono-eucalyptus), which is similar size and scale as existing trees in the immediate area, while ensuring that all attached equipment will be sufficiently screened and remain stealth by the foliage of mono-eucalyptus branches. The proposed mono-eucalyptus facility will blend with the existing trees on the site, including existing trees in the surrounding neighborhood,

and will not have any negative aesthetic impacts. In addition to the project's stealth design, appropriate Conditions of Approval have been incorporated to ensure the existing residential areas are protected from any aesthetic impacts and issues related to wireless facility.

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-eucalyptus design will allow the facility to blend into the existing environment, which includes trees in the surrounding area that are of similar size and scale.

AT&T Mobility proposes a new mono-eucalyptus in order to improve their coverage area to close a significant gap in coverage to relieve network traffic congestion, and ensure reliable levels of service due to AT&T's existing and surrounding wireless facilities becoming overloaded beyond their capacity when more enhanced voice and data services are used (5G and other high-speed data services). The project will improve local connectivity for AT&T Mobility customers as they travel through the City. Additionally, the stealth facility has been designed to maintain a natural appearance, disguised as a eucalyptus tree (mono-eucalyptus), which is similar size and scale as existing trees in the immediate area, while ensuring that all attached equipment will be sufficiently screened and remain stealth by the foliage of mono-eucalyptus branches. The proposed mono-eucalyptus facility will blend with the existing trees on the site, including existing trees in the surrounding neighborhood, and will not have any negative aesthetic impacts.

Finally, the use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The wireless telecommunication facility, including all associated 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 integrate the proposed mono-eucalyptus in the surrounding area. AT&T Mobility is proposing to lease 375 square feet of land area behind (to the east of) an existing church building, to install a new sixty-foot (60'-0") tall wireless telecommunication facility disguised as a eucalyptus tree, along with related equipment to be installed within an eight-foot (8'-0") tall, twenty-five foot (25'-0") by fifteen-foot (15'-0") equipment enclosure. The equipment enclosure is proposed as a block wall painted to match the color of the existing block walls. The proposed equipment enclosure will be located primarily within an existing planter area, with minor modifications to the existing parking area immediately adjacent to the enclosure, which includes the elimination of four (4) parking spaces, and paint re-striping. There is an existing drive aisle adjacent to (just north of) the proposed equipment enclosure, which will remain clear and unobstructed and will not be affected by the proposed wireless facility. One (1) existing tree will be removed to construct the equipment enclosure. With exception to the proposed minor modifications to the existing parking area immediately adjacent to the enclosure, the remaining existing parking areas, existing landscape planters, and vehicular and pedestrian access to the church building(s) will remain unaffected.

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 subject site is located on the northeast corner of Lampson Avenue and 9th Street. The subject site is adequately accessed by two (2) driveways along Lampson Avenue, and one (1) driveway along 9th Street, providing both ingress and egress. On-site circulation is adequate to serve all uses on the property. The site is also sufficiently served by the public service facilities required, such as gas, electric, water, and sewer facilities. With exception to the proposed minor modifications to the existing parking area immediately adjacent to the enclosure, the remaining existing parking areas, existing landscape planters, and vehicular and pedestrian access to the church building(s) will remain unaffected. Therefore, the subject site will continue to be sufficiently served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator 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-233-2023.

Dated: February 23, 2023

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-233-2023

12432 9th Street

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, Smartlink c/o AT&T Mobility, 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.

Building and Safety Division

6. All work shall comply with the latest California Building Standards Code (CBC) and American National Standards Institute/Electronic Industries Alliance (ANSI/EAI) -222 at time of building permit application.
7. Soils report complying with CBC Chapter 18 is required and shall be submitted at time of building permit application.
8. Applicant shall submit complete foundation/anchorage designs and details at time of building permit application.
9. Applicant shall submit complete tower analysis and all connection details at time of building permit application.
10. Applicant shall provide complete details for underground trenching and conduits.
11. Applicant shall provide complete designs and details for masonry enclosure and equipment foundation/anchors.

Orange County Fire Authority (OCFA)

12. The applicant shall comply with the requirements of Orange County Fire Authority (OCFA), including but not limited to, a Fire Master Plan.

Public Works Engineering Division

13. The applicant shall obtain an encroachment permit from the City prior to any construction in the public right-of-way.
14. Permit fees shall be calculated based on the current fee schedule at the time of permit issuance.
15. Any required lane closures should occur outside of peak travel periods.
16. The applicant shall submit traffic lane closure permits along with a vehicular traffic control plan for approval.
17. Any wireless telecommunication facility(ies) that are deemed discontinued or abandoned, pursuant to Municipal Code Section 9.24.100 (Wireless Facility Abandonment), the applicant shall comply with the requirements of said section and shall dismantle and remove any existing abandoned wireless telecommunication facility(ies), including poles, associated fixtures, equipment, sub-structure, and concrete foundation.
18. No at or above-ground meter and/or equipment shall be placed on the City of Garden Grove public right-of-way.

19. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.
20. New utilities shall have a minimum two-foot (2'-0") horizontal clearance from driveway approaches and curbs.

Public Works Traffic Engineering Division

21. The applicant shall submit plans and pole specifications to include the material of the pole for Public Works Traffic Division approval.

Public Works Water Services Division

22. New utilities shall have a minimum five-foot (5'-0") horizontal and a minimum one-foot (1'-0") vertical clearance from water main and appurtenances.
23. Any new or existing water valve located within new concrete sidewalk improvements shall be reconstructed per City Standard B-753.
24. Any existing meter and services that need to be relocated within the project area shall be relocated at applicant's expense.

Police Department

25. 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 12432 9th Street 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 (Smartlink c/o AT&T Mobility) shall utilize the hierarchy and procedures set forth in the Best Practices Guide. If the applicant (Smartlink c/o AT&T Mobility) 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.
26. 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.
27. 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.
28. 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.
29. The applicant will provide the Police Department with emergency information for a responsible person, with authority to act for ownership group.

30. The applicant shall be responsible for maintenance and up-keep of the wireless telecommunication facility.
31. 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.
32. 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.
33. The antenna structure shall be designed and disguised as a eucalyptus tree (mono-eucalyptus). The antennas shall not exceed 57'-0" in height, measured to the top of the antennas (53'-0" and 55'-0" to the centerline of the panel and air antennas, respectively), and the branches shall not exceed 60'-0" in height. The antennas shall not exceed the height of the wireless communications pole. The mono-eucalyptus will consist of nine (9) eight-foot (8'-0") tall antennas (three sectors with three (3) antennas per sector) mounted at 53'-0" antenna centerline, and six (6) 31-inch tall air antennas (two (2) stacked air antennas per sector) mounted at the 55'-0" centerline. Each sector will be attached to the pole of the mono-eucalyptus by a four-foot (4'-0") long T-arm antenna mount. Six (6) surge suppression units will be attached to each T-arm antenna mount along with 36 remote radio units (three-sectors with twelve (12) radios per sector). One four-foot (4'-0") microwave antenna will be installed and attached to the main pole of the mono-eucalyptus at the 42'-0" microwave antenna centerline. 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 branches and leaves. In order to maintain a natural appearance, the following conditions shall apply:
 - a. The mono-eucalyptus is required to have a minimum branch count of 100 (minimum of 25 branches for every 10'-0") that is spaced and designed to hide the antennas.
 - b. Branches for the mono-eucalyptus shall begin at a height of no less than 15'-0" above the ground.
 - c. Vertical and horizontal spacing of the branches shall be such that the majority of the trunk of the mono-eucalyptus, above the lowest branch, shall not be visible.

- d. The extent of the spread shall be approximately 24'-0", as proposed.
 - e. The branches of the mono-eucalyptus shall angle upward 15 to 20 degrees.
 - f. Synthetic eucalyptus branch lengths shall vary to maintain a natural appearance.
 - g. The trunk shall be covered in textured rubber to look like real bark.
 - h. The antennas and dishes are required to be painted green to match the color of the foliage.
 - i. There shall be no climbing pegs on the mono-eucalyptus below a height of 15'-0", except when temporarily installed to service the antennas.
 - j. Any proposed antenna dishes shall be designed as a microwave flat panel.
 - k. Sleeves shall be installed to camouflage the antennas.
34. An eight-foot (8'-0") high block wall shall be constructed around the perimeter of the equipment enclosure designated area for the ground-mounted equipment related to the mono-eucalyptus, and shall be painted to match the color of the existing block walls. 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.
35. The equipment shall not extend above the top of the equipment enclosure.
36. 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.
37. 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.
38. 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.
39. Prior to the end of the fifth (5th) year, there will be an administrative review for compliance with the conditions of approval.
 40. 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, 2024, 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.
 41. 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.
 42. 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.
 43. In the event that the communication facility is abandoned or its use is discontinued, the property owner shall comply with Garden Grove Municipal Code Section 9.24.100 Wireless Facility Abandonment.
 44. 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.
 45. The applicant and the property owner shall submit signed letters acknowledging receipt of the Decision approving Conditional Use Permit No. CUP-233-2023, and their agreement with all conditions of the approval.
 46. There shall be no other antennas or mechanical equipment installed on the tree without obtaining approval from the Planning Services Division, including, but not limited to, any necessary building permits from the City.

47. 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-233-2023 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.
48. 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-233-2023. 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.
49. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.
50. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state. In the event that fossil specimens or cultural resources are encountered on the site during construction and cannot be preserved in place, the applicant shall contact and retain, at applicant's expense, a qualified paleontologist or archaeologist, as applicable, acceptable to the City to evaluate and determine appropriate treatment for the specimen or resource, and work in the vicinity of the discovery shall halt until appropriate assessment and treatment of the specimen or resource is determined by the paleontologist or archeologist (work can continue elsewhere on the project site). Any mitigation, monitoring, collection, and specimen/resource treatment measures recommended by the paleontologist/archaeologist shall be implemented by the applicant at its own cost.
51. It shall be the applicant's responsibility to verify that any project improvements do not impermissibly interfere with any recorded (or non-recorded) easements or required utility clearances on the subject property.

52. The applicant shall ensure that all existing parking lot areas, inclusive of parking lot modifications, proposed under this project, will be adequately striped and maintained at all times.