

AGENDA

GARDEN GROVE PLANNING COMMISSION

April 7, 2022 - 7:00 PM

COMMUNITY MEETING CENTER 11300 STANFORD AVENUE

COVID-19 Information: If you plan to attend the meeting in person, those who are unvaccinated must wear face masks indoors at all times. 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 have other flu-like symptoms.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the Planning Commission, 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).

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The Planning Commission 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.

<u>Documents/Writings</u>: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Planning Services Division Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (1) at the Community Meeting Center at the time of the meeting.

Public Comments: Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing planning@ggcity.org no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

REGULAR MEETING AGENDA

ROLL CALL: CHAIR RAMIREZ, VICE CHAIR LINDSAY

COMMISSIONERS ARESTEGUI, CUNNINGHAM, LEHMAN, PEREZ,

SOEFFNER

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

- A. ORAL COMMUNICATIONS PUBLIC
- B. <u>APPROVAL OF MINUTES</u> March 17, 2022

- C. <u>PUBLIC HEARING(S)</u> (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. AMENDMENT NO. A-034-2022
 SITE PLAN NO. SP-108-2022
 CONDITIONAL USE PERMIT NO. CUP-218-2022

APPLICANT: ANDRESEN ARCHITECTURE, INC.

LOCATION: NORTH SIDE OF CHAPMAN AVENUE, EAST SIDE OF

GILBERT STREET, NEAR INTERSECTION OF CHAPMAN

AVENUE AND GILBERT STREET

REQUEST:

To amend the NMU (Neighborhood Mixed Use) zone to allow "Automobile Fleet Storage" as a conditionally permitted use, for the storage of new automobiles and conducted only in conjunction with an existing new car dealership within the City of Garden Grove. Also, a request for Site plan approval to improve an existing vacant property (Assessor's Parcel No. 132-402-20) with a new automobile fleet storage lot, in conjunction with a request for Conditional Use permit approval to allow the use of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove, on the vacant property for the temporary storage of new automobiles. The site is in the NMU (Neighborhood Mixed Use) zone. The project is exempt from CEQA pursuant to Government Code Sections 15061(b)(3) Review for Exemption and 15301 -Existing Facilities of the State CEQA Guidelines.

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-034-2022 to City Council and approve Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, subject to the recommended Conditions of Approval.

- D. <u>ITEM(S) FOR CONSIDERATION</u>
 - D.1. REVIEW OF THE CODE OF ETHICS
- E. STUDY SESSION
 - E.1. DISCUSSION REGARDING ADU GRANT
- F. MATTERS FROM COMMISSIONERS
- G. MATTERS FROM STAFF
- H. ADJOURNMENT

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

Meeting Minutes Thursday, March 17, 2022

CALL TO ORDER: 7:01 p.m.

ROLL CALL:

Chair Ramirez
Vice Chair Lindsay
Commissioner Arestegui
Commissioner Cunningham
Commissioner Lehman
Commissioner Perez
Commissioner Soeffner

Absent: Cunningham, Lehman

<u>PLEDGE OF ALLEGIANCE:</u> Led by Vice Chair Lindsay.

ORAL COMMUNICATIONS - PUBLIC - None.

February 17, 2022 MINUTES:

Action:

Received and filed.

Motion:

Perez

Second:

Lindsay

Ayes: Noes: (5) Arestegui, Lindsay, Perez, Ramirez, Soeffner(0) None

Absent:

(2) Cunningham, Lehman

STUDY SESSION – HOUSING LEGISLATION UPDATE: Staff presented an overview of existing housing laws that include - Housing Element Law, Affirmatively Furthering Fair Housing, No Net Loss Law, Prohibition of Discrimination Related to Residential Development, Density Bonus Law, Laws Mandating Ministerial Approval of Housing Projects, Housing Accountability Act, and the Housing Crisis Act. Staff then reviewed Senate Bills 8, 9, 10, and 478, along with covering Assembly Bills 803, 215, 1398, 1304, and 787. Amendments to the Density Bonus Law included Senate Bills 290 and 728, along with Assembly Bills 571 and 634. Staff touched on Assembly Bills 491, 602, 838, and 362. Other new Housing Legislation included Assembly Bills 345, 1174, 721, 1043, 1029, 447, 1095, 1297, 948, 1466, and Senate Bills 60, 591, 7, 791 and 263. 2022 Housing Bills include Senate Bills 897, 930, and 1466, and Assembly Bills 2097, 2485, 2705, 2053, 2063, 2094 and 2179.

MATTERS FROM COMMISSIONERS: Vice Chair Lindsay wished all a Happy St. Patrick's Day, then Commissioner Soeffner asked fellow Commissioners and staff to keep the people of Ukraine in mind.

MATTERS FROM STAFF: Staff gave a brief description of future agenda items.

<u>ADJOURNMENT:</u> At 7:58 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, April 7, 2022, at 7:00 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: North side of Chapman Avenue, east side of Gilbert Street, near the intersection of Chapman Avenue and Gilbert Street
HEARING DATE: April 7, 2022	GENERAL PLAN LAND USE DESIGNATION: Residential/Commercial Mixed Use 2
CASE NO: Amendment No. A-034-2022, Site Plan No. SP-108-2022, Conditional Use Permit No. CUP-218-2022	ZONING: NMU (Neighborhood Mixed Use)
APPLICANT: Andresen Architecture Inc.	CEQA DETERMINATION: Exempt
PROPERTY OWNER(S): Hewson/Howard G.C., LLC	APNs: 132-402-20

REQUEST:

A request for (1) a zoning text amendment to allow "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone in conjunction with an existing new car dealership located within the City of Garden Grove, subject to specified Special Operating Conditions and Development Standards; (2) Site Plan approval to improve an existing vacant property (Assessor's Parcel No. 132-402-20) with a new automobile fleet storage lot; and (3) Conditional Use Permit approval to allow the use of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove (located at 10150 Trask Avenue), on the vacant property for the temporary storage of new automobiles.

BACKGROUND:

The subject site is a 1.7-acre vacant lot, oriented diagonally, with frontage along the north side of Chapman Avenue and along the east side of Gilbert Street, located near the intersection of Chapman Avenue and Gilbert Street. The site was a portion of a former Pacific Electric Right-of-Way, which bisected the City of Garden Grove running through, or along, major commercial centers and residential areas. Since its abandonment as an operating rail line in the early 1970s, the right-of-way had presented a linear void to the community, which had created areas of blight along the corridor. The right-of-way was purchased by the Orange County Transit District (now known today as the Orange County Transit Authority (OCTA)) in 1982 as a component in an overall transit network with future plans to link areas in Los

Angeles County with Orange County cities. In 1990, the Orange County Transit District, and the former Garden Grove Agency for Community Development, had entered into an agreement for the purchase and joint use development of portions of the right-of-way running through Garden Grove. The agreement was made in part, at the time, to facilitate various areas of development in Garden Grove that ran along, or near the right-of-way, corridor such as commercial centers near Garden Grove Boulevard and Euclid Street, and Chapman Avenue and Brookhurst Street. The agreement provided for permanent underground, and above-ground, easements for transit purposes within the right-of-way while allowing for restricted surface development. Any future development, including parking lots, would be subject to removal or modification during the construction phase of a future transit system. The intent of the agreement, in part, was to assure the long term development of the corridor for transit-related purposes would not be precluded by any future uses.

In 2000, an easement was recorded to allow a thirty-foot (30'-0") wide private road, located at the southern end of the subject property, fronting Chapman Avenue, with adjoining landscaping and signage improvements, to provide additional vehicular access to the adjacent shopping center located to the north/east. This private road access easement area will remain as-is as part of the proposed project with no proposed modifications.

In 2005, the property owner purchased the subject property from the Garden Grove Agency for Community Development. The property has since been vacant. In 2012, the City of Garden Grove completed a comprehensive re-zoning effort throughout various areas of the City by establishing new mixed use zoning, in part, to spur additional development opportunities and flexibility. Even with the new mixed use zoning in effect, the property owner has had difficulty finding a long-term, and suitable use, for the property, due primarily to the surface development restrictions on the property (e.g., inability to develop the property with permanent buildings).

The site is zoned NMU (Neighborhood Mixed Use) and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The property abuts NMU zoned properties to the north, east, and across Chapman Avenue, to the south, and O-S (Open Space) and R-3 (Multiple-Family Residential) zoned properties, across Gilbert Street, to the west.

DISCUSSION:

AMENDMENT:

The applicant is proposing to develop a portion of the existing vacant property with a new automobile fleet storage lot. "Automobile Fleet Storage" is defined as a paved area(s), enclosed or open, for the storage or maintaining of automobiles for a period of time in excess of 72 hours. "Automobile Fleet Storage" is currently permitted in the following zones: the C-3 (Heavy Commercial) zone as a

conditionally permitted use (Conditional Use Permit required); and the M-1 (Light Industrial) zone as an automatically permitted use (No Conditional Use Permit required).

Currently, "Automobile Fleet Storage" is not a listed permitted use (whether automatically permitted or conditionally permitted) in the NMU (Neighborhood Mixed Use) zone (or in any other mixed use zones). In order to facilitate the development of the proposed automobile fleet storage lot, text amendments to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code are necessary to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone, as well as to establish Special Operating Conditions and Development Standards applicable to said use.

The proposed amendment would allow "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone for the storage of new automobiles, provided the use is conducted only in conjunction with an existing new car dealership within the City of Garden Grove. Automobile fleet storage uses would also be subject to the following special operating conditions and development standards:

- A. Automobile fleet storage shall only be permitted on sites zoned NMU (Neighborhood Mixed Use) that are also within the Pacific Electric/OCTA (Orange County Transportation Authority) Right-of-Way.
- B. Automobile fleet storage shall not be located directly adjacent to, or abutting, residentially zoned and developed properties.
- C. A Site Plan and Conditional Use Permit shall be required, pursuant to Municipal Code Section 9.32.030.
- D. On-site vehicle storage or maintenance shall be limited to new automobiles. There shall be no storing or maintaining of used automobiles, inoperable automobiles, or automobiles in a wrecked or dismantled condition.
- E. The automobile fleet storage lot shall be secured by a perimeter fence or wall with a minimum height of six feet, but not to exceed eight feet, and shall also include a vehicular access gate(s) providing access to a public street(s). Site access, for vehicular ingress and egress, shall be limited to principal, major, primary, or secondary arterial streets, as identified in the City's Master Plan of Streets and Highways. There shall be no access to residential streets or adjacent properties. The perimeter fence/wall and the location of any vehicular access gate(s) shall be subject to review and approval by the Planning Division and the Public Works Department, Engineering Division. Perimeter fencing shall not include the use of barbed wire, "Constantine" wire, razor wire, or other similar fence treatment.

- F. The perimeter fence or wall for the site shall maintain a minimum setback of 15 feet to any property line (as measured from the ultimate right-of-way) along a public street. All required setbacks shall be fully landscaped with automatic irrigation and shall comply with the City's Water Efficiency Ordinance, pursuant to Municipal Code Section 9.18.120.020, Water Efficiency Requirements. All landscaped areas, within required setbacks, shall be planted with an effective combination of trees, grass berms, ground cover, lawn, shrubbery, and/or approved dry decorative landscaping material.
- G. All on-site lighting shall comply with the City's lighting standards, pursuant to Municipal Code Section 9.18.140.070, Parking Design Standards.
- H. No site signage shall be permitted.
- I. There shall be no loading or unloading of automobiles (e.g., via semi-truck) on-site or within any public right-of-way. All automobiles that access the automobile fleet storage lot shall be driven individually by authorized employees of the new car dealership, within the City of Garden Grove, that the lot is serving.
- J. All parking spaces, driveways and maneuvering areas shall be fully paved and maintained with asphalt, concrete, or other City approved material.

The Special Operating Conditions and Development Standards, as well as any additional site-specific Conditions of Approval required through the Conditional Use Permit process, will ensure that the proposed automobile fleet storage use, including any other future automobile fleet storage uses in the NMU zone, will be compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. Furthermore, such uses will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

SITE PLAN:

In conjunction with the Amendment request, the applicant is requesting concurrent Site Plan approval to improve the existing vacant property with a new automobile fleet storage lot.

Site Design and Circulation

The subject site is a 1.7-acre vacant lot, oriented diagonally, with frontage along the north side of Chapman Avenue and along the east side of Gilbert Street, located near the intersection of Chapman Avenue and Gilbert Street. Primary access to the site will be via Chapman Avenue and through the existing drive aisle, which runs

through the southern portion of the property. A thirty-foot (30'-0") wide electric sliding gate, fitted with a Knox box for emergency access, set back 23'-9" from the adjacent drive aisle, will provide vehicular access to the enclosed automobile fleet storage lot. A secondary access gate, setback fifteen feet (15'-0") from the public right-of-way, will be provided at the northern end of the property, fronting Gilbert Street. This secondary access will remain locked, serving only as emergency access, and will provide a manual sliding gate fitted with a Knox box.

The vacant property will be improved with a new automobile fleet storage lot consisting of a paved parking lot area with associated site improvements including striped parking stalls, perimeter fencing, parking lot lighting, and landscaping. A 26'-0'' wide two-way drive aisle will run diagonally through the center of the property, with rows of parking spaces on each side. The southern side of the property will provide 96 tandem parking spaces. The northern side of the property will provide 48 parking spaces. The proposed automobile fleet storage lot will provide a total of 144 parking spaces. A ten-foot by twenty-foot ($10' \times 20'$) "No Parking" hatched area will be located just outside the southerly gate, to provide a turnaround area for vehicles.

The applicant has indicated that vehicle deliveries, via semi-truck, will initially be offloaded at the Chevrolet dealership site, located at 10150 Trask Avenue. Subsequently, vehicles to be stored at the proposed automobile fleet storage site will be driven individually from the Chevrolet dealership location. There will be no on-site semi-truck unloading of vehicles on the subject property or within any public right-of-way.

Perimeter Walls and Landscaping

Aesthetically, the applicant has been sensitive to ensuring compatibility with neighboring uses, and has designed the project accordingly, with the end result of the project appearing like-kind to a standard commercial parking lot area. The proposed automobile fleet storage lot will provide enhanced landscaped setbacks, including landscaping maintained within the areas immediately adjacent to and outside the southern access gate. All landscaped areas will be fitted with automatic irrigation and will comply with the City's Water Efficiency Ordinance, pursuant to Municipal Code Section 9.18.120.020, Water Efficiency Requirements. All landscaped areas, within required setbacks, will be planted with an effective combination of trees, grass berms, ground cover, lawn, shrubbery, and/or approved dry decorative landscaping material.

The project will provide eight-foot (8'-0'') high vehicular access gates (wrought iron) at the northerly and southerly access points. The remaining perimeter of the site will maintain six-foot (6'-0'') high fencing.

CONDITIONAL USE PERMIT:

In conjunction with the Amendment and Site Plan request, the applicant is requesting concurrent Conditional Use Permit approval to allow the use and operation of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove (located at 10150 Trask Avenue), on the vacant property for the storage of new automobiles. As mentioned prior, the project will be subject to Special Operating Conditions and Development Standards, including additional site-specific Conditions of Approval, which 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. City Staff has reviewed the proposed plans associated with the site improvement to ensure that adequate site circulation, access, and parking are maintained.

CEQA Environmental Review:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 1 Exemption, Existing Facilities (CEQA Guidelines §15301) and Review for Exemption (CEQA Guidelines §15061(b)(3).

RECOMMENDATION:

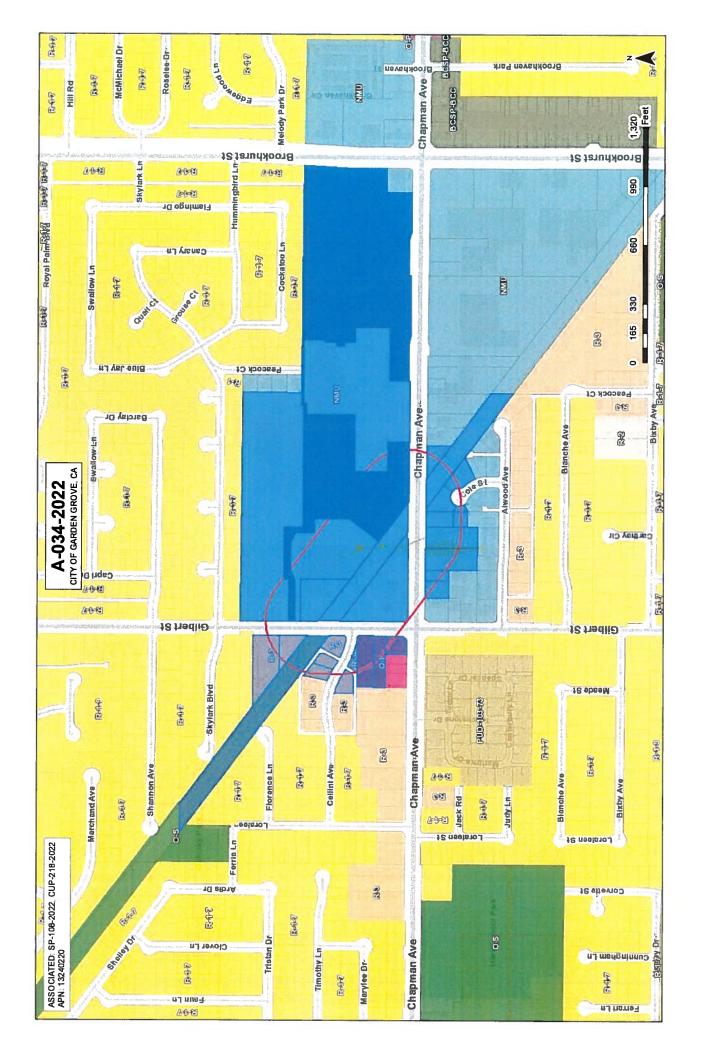
Staff recommends that the Planning Commission:

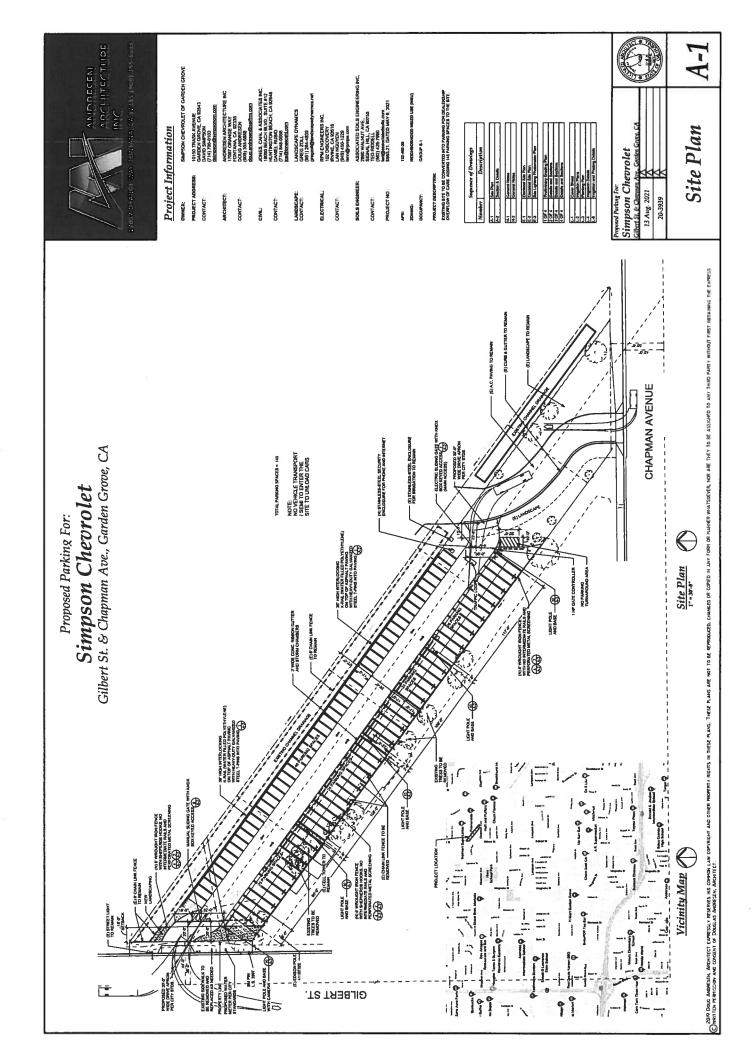
- Adopt the attached Resolution No. 6038-22 recommending that the Garden Grove City Council approve Amendment No. A-034-2022 to allow "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone, and to establish related Special Operating Conditions and Development Standards; and
- Adopt the attached Resolution No. 6039-22 approving Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, subject to the recommended Conditions of Approval, and contingent upon City Council adoption of an Ordinance approving Amendment No. A-034-2022.

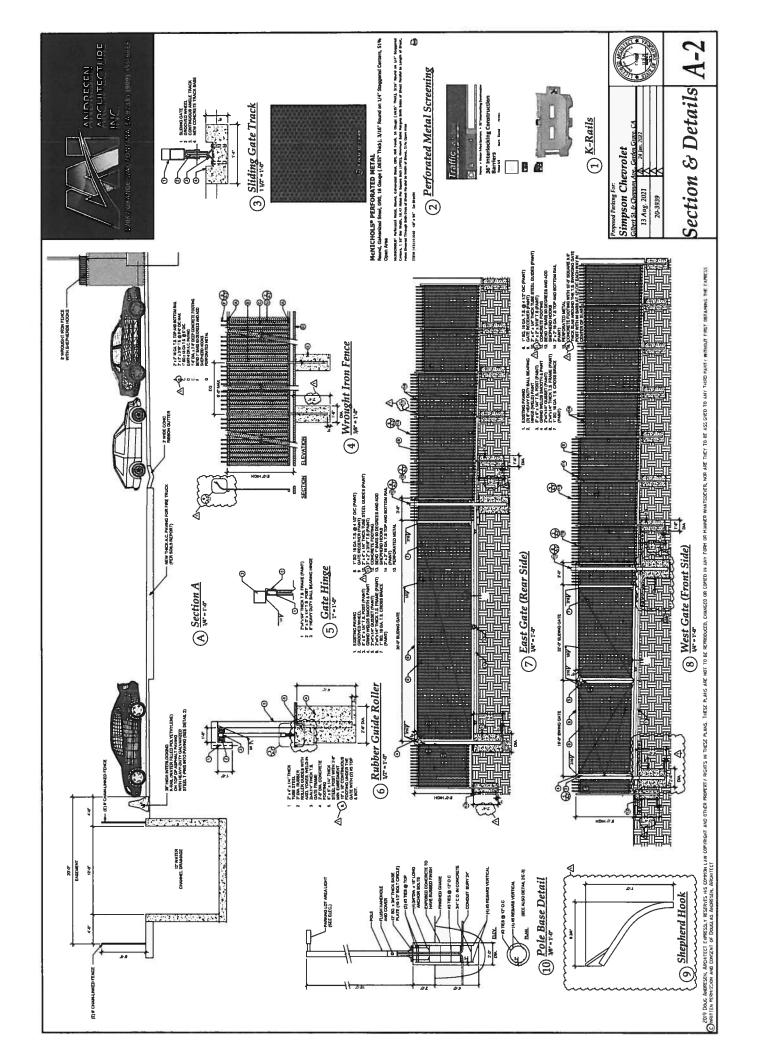
Lee Marino

Planning Services Manager

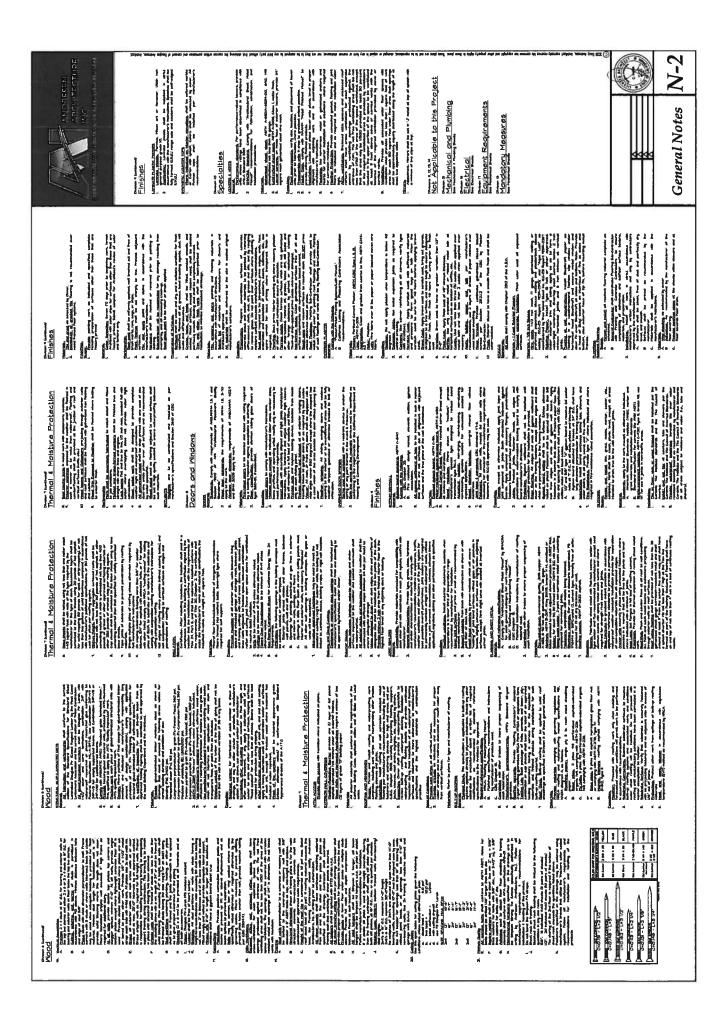
By: Chris Chung Urban Planner

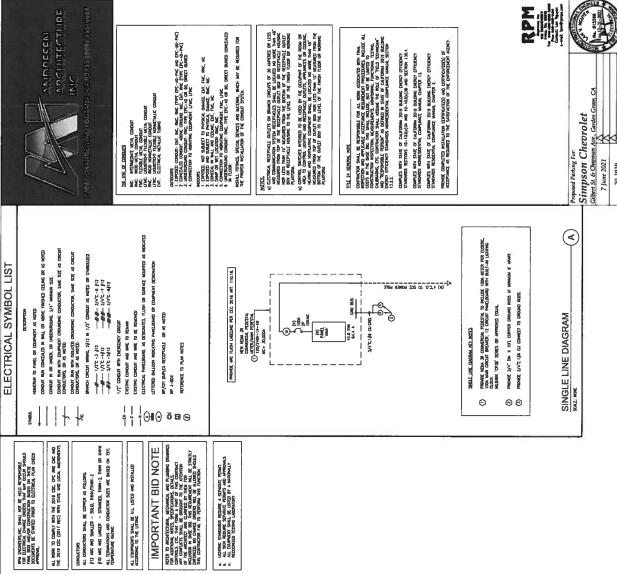






NOOSCAL NOO
The control of the co
The control of the co
THE PROPERTY OF THE PROPERTY O
Control of the cont
CONTROL RECOLLERATION WAS AND





A WANDO TO THE PROPERTY OF THE

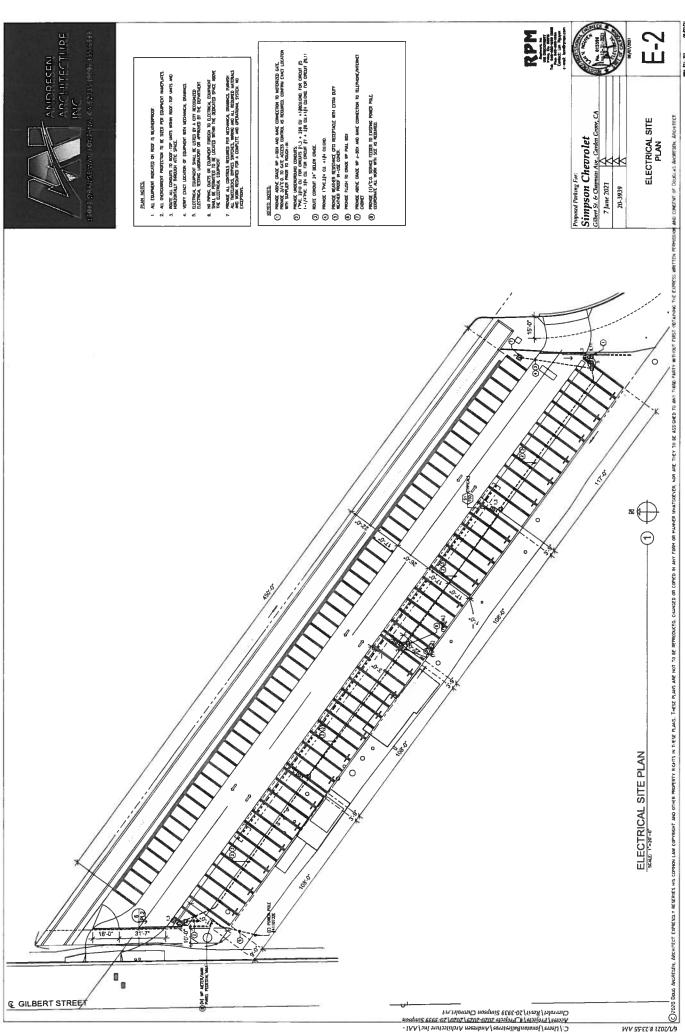
PANEL MAN Lucabus WTE Manufel SUFFACE TOTAL AGAINTED RW. 39 103 at Fayer, Amer. 16.3 AMPS WILE. 17.3

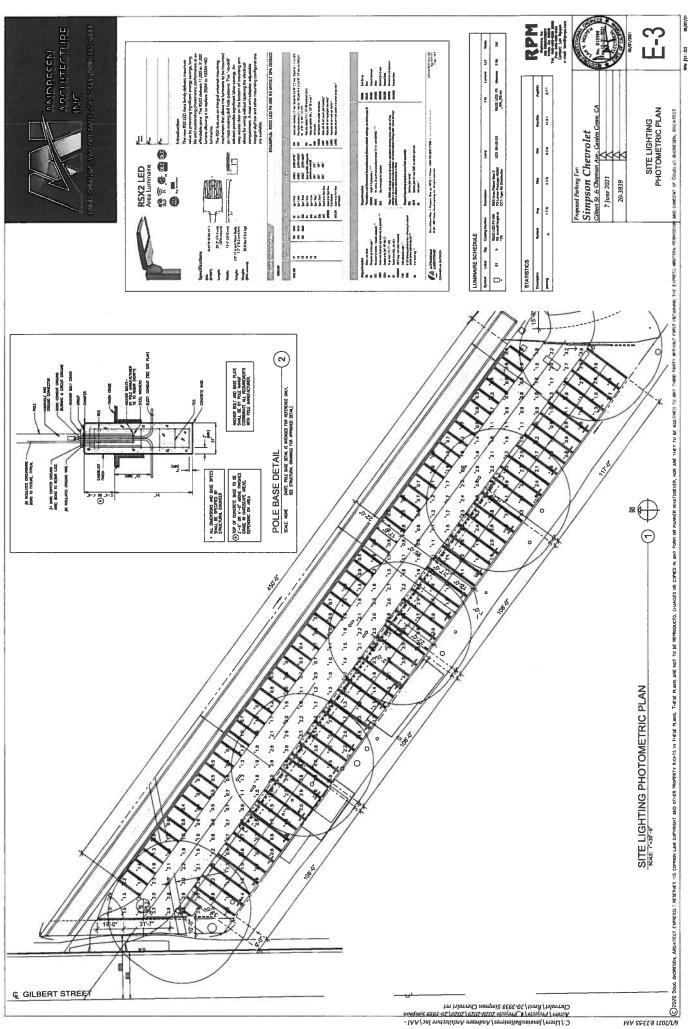
PROVIDE LISTED HANDLE-TES ON MATH-POLE CHOURT BREAKDIS FOR ALL MATH-WHIE CIRCLES AS REQUIRED PER CIE 218 4(8)

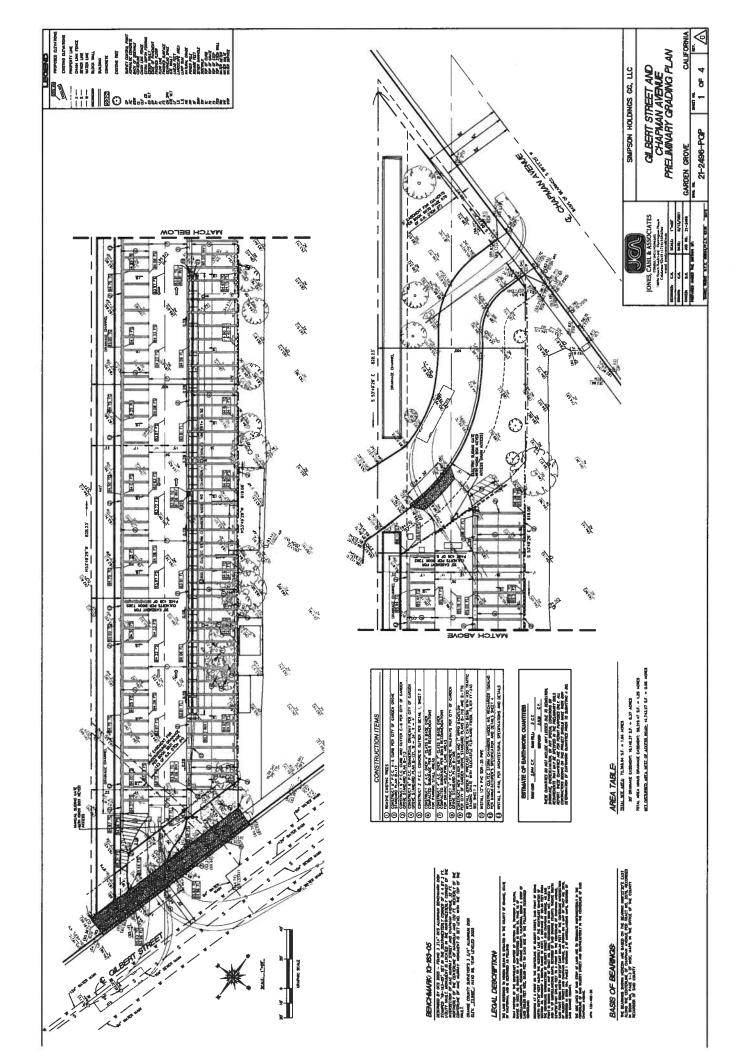
67271 B.24 PM

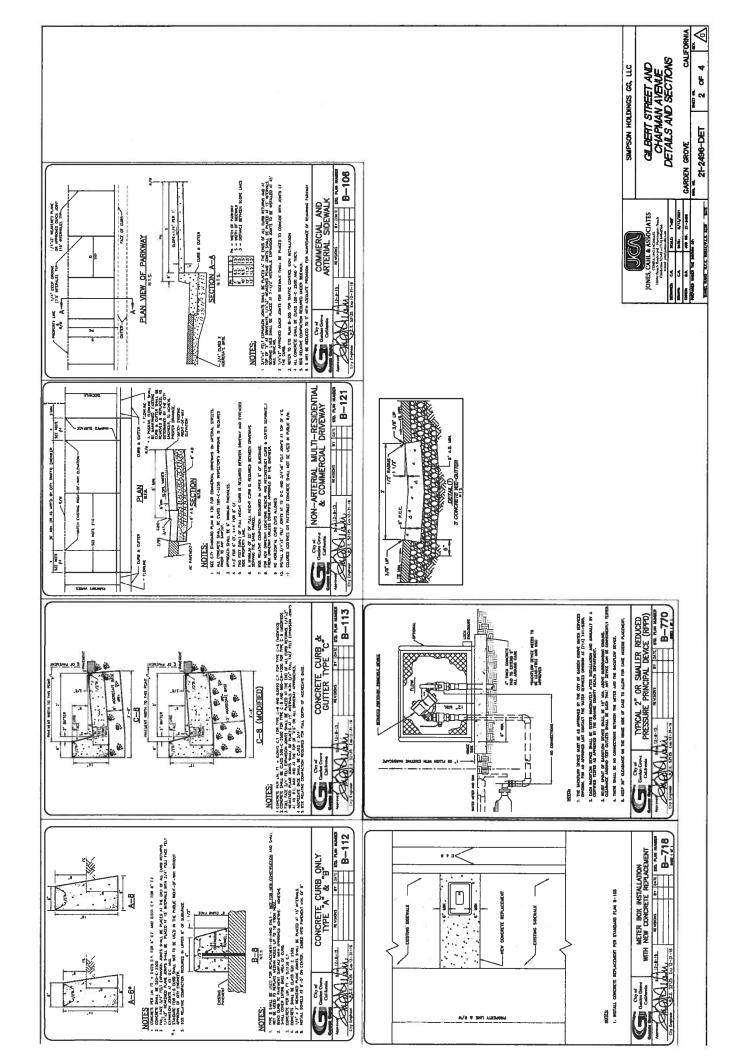
匠 ELECTRICAL SITE PLAN AND CONEZNT OF DOUGLAS ANDRESEN, ARCHITECT 20-3939 AND OTHER PROPERTY RIGHTS IN HESE PLANS. I HESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORMER WHATSCEVER, NOR ASE THEY TO BE ASSIGNED TO ANY THAND PARTY MITHOUT FIRST (BELANDED, THE EXPRESS MITTEN FERNISSION). ©2020 DOUG ANDRESEN, ARCHITECT EXPRESSLY RESERVES HIS COMMON LAW COPYRIGHT

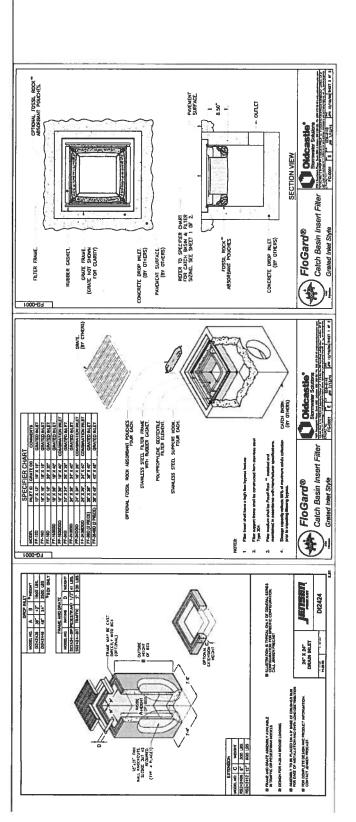
C./ Users | Jonalan Bail cetros | Andresca Architecture Inc | AAI -Access | Projects 14_Projects 2020-2029 | 2020 | 20-3959 Simpson Chervolel | Revit | 20-3959 Simpson Chervolet red



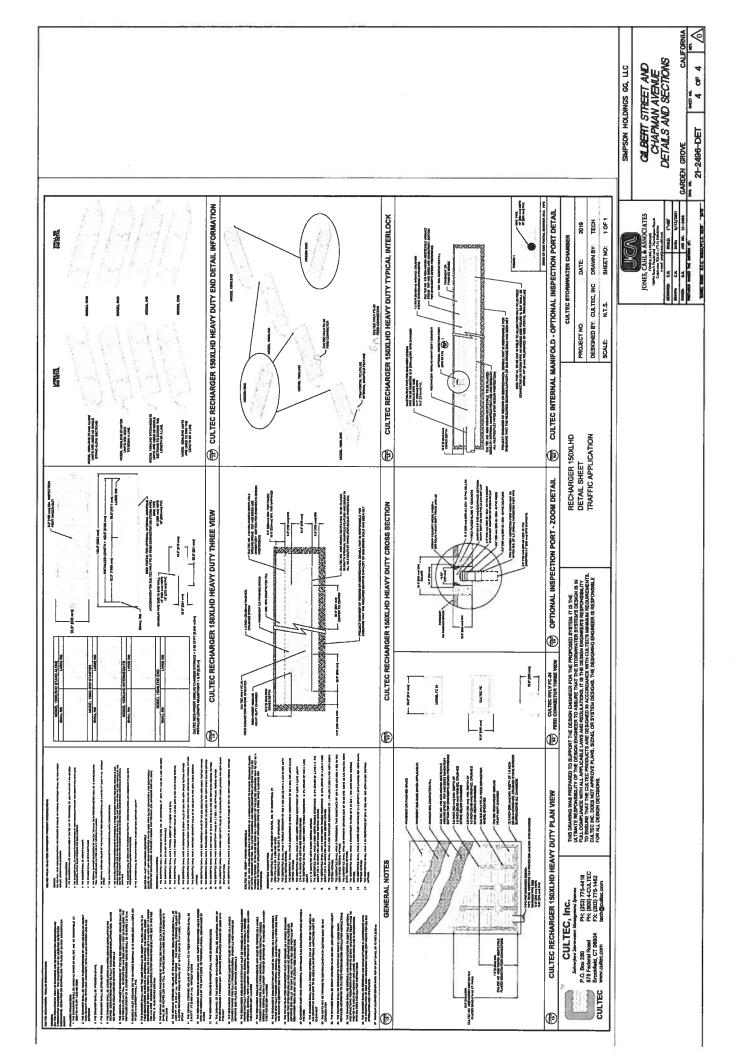




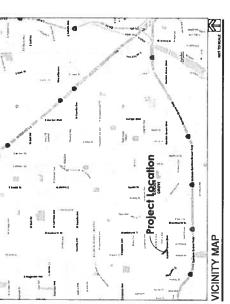


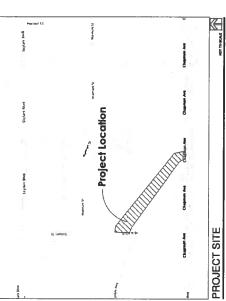






Simpson Chevrolet Parking Landscape Architectural Plans Garden Grove, CA 92841 Gilbert and Chapman





Gilbert St & Chapman Ave Simpson Chevrolet Parking Landscape Architectural Plans

ы	
튭	
z	
ð	
₹	
ĝ	

THE RESIDENCE AND CONTROLLED AND CON
--

- FINAL LOCAKON OF ALTOMANC CONTROLLES AND THE BACKNOW PREVENTS: IN TREMWED IN OWNESS ALTHORITIES REPRESENTE AND/OF LANCISCAPE ARD-FIRCT.
 - Susting Sile Conditions

NOT MATERIAL VIOLENTE WHIN THE BINCHES ANN. CITIVACE ALLACINI TO MATECIAN AREA FOCK MATERIA SHALL BE NOTIFICED FOR A POOT MATERIA SHALL BE NOTIFICED FOR THE PROPERTY. POOT MATERIA SHALL ENTER ON THE CANONY OR BOWN FIT PLAN.	
ROOT BARRY. USE UPLA I BOOT BARRY WITH INTE B WITH 5 MR. DOT LEACH ROOT BARRY SHALL BE RETALLED FOR DETAIL DOT ENTERED EMGIN OF THE CANDY OF BOWN FISH PAN	Proposition of the second
123	770.01

티콜로보았음송요집림
THE MINISTREMENT, WITHOUT STATEMENT AND ADMINISTRATION OF THE MINISTREMENT AND ADMINISTRATION OF THE MINISTRATION OF THE MINISTRATI

- PARTICLE STATE OF THE THE STATE OF THE STATE UMACCEPIARE CONDITION FOR ROOT STREM. PLANTS WITH LIPICALD ROOFS, CARLLE ROOFS, OMERCIPOWN OR I. WILL IK CONDIDING DAMCCEPIARE.
 - A MARCHEN LINE, AND STRANDS.

 M. R. COMETING MAY CARREST TO SO, METALODES IN CONTROL

 M. R. COMETING MAY CARREST AND TO SERVE AND TO SE
- HEAD.

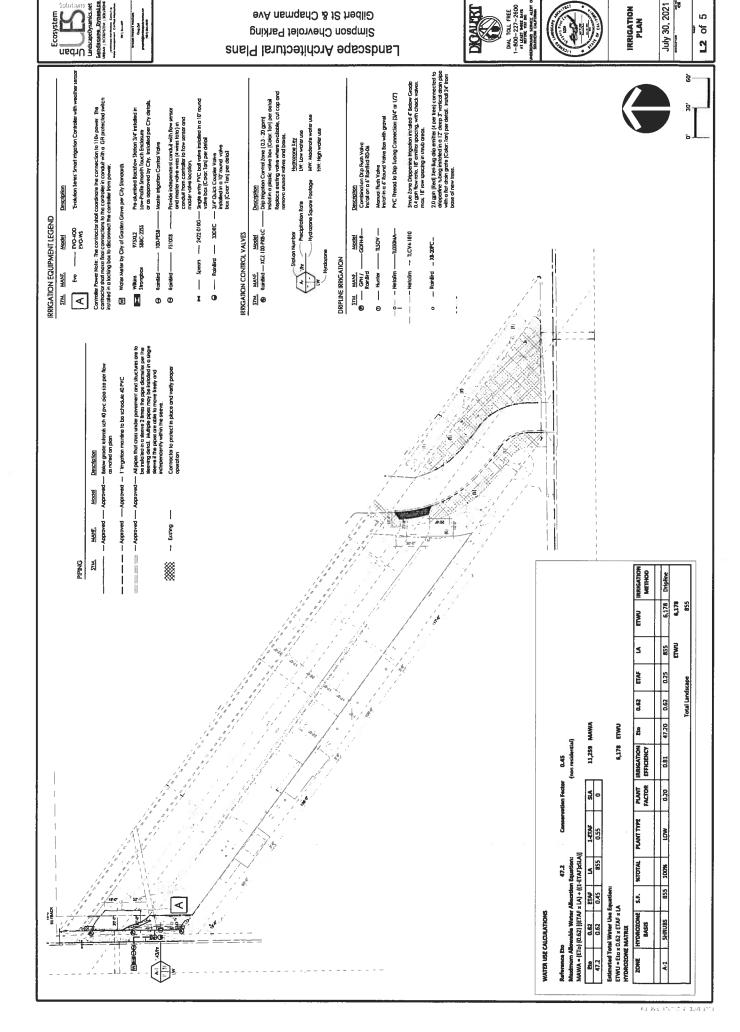
 A REVISION OF TATE OF METRIN CEND WOOD DUES MAICH SHALL IK APPLED TO ALL
 A REVISION OF TATES OF METRIN CEND OF TALCH SHALL IK APPLED TO ALL
 TRUNGCORE RELYS. SIGNAL SHAPED TO LARGE CARE ARCHITET NE APPLED TO
 TRUNGCORE RELYS.

|--|--|

sheer List iable	Sheet Title	Cover Sheet	Imgation Plans	Planting Plan	Irrigation Details	Irrigation and	Planting Details
Suee	Sheet No.	Ę	F-2	L-3	L-4	L-5	

Sheet List lable	. Sheet Title	Cover Sheet	Imigation Plans	Planting Plan	Irrigation Details	Irrigation and	Planting Details
She	Š						

- 表 [고] L.	L1 01 0
--------------	---------



Height Width

Simpson Chevrolet Parking Landscape Architectural Plans





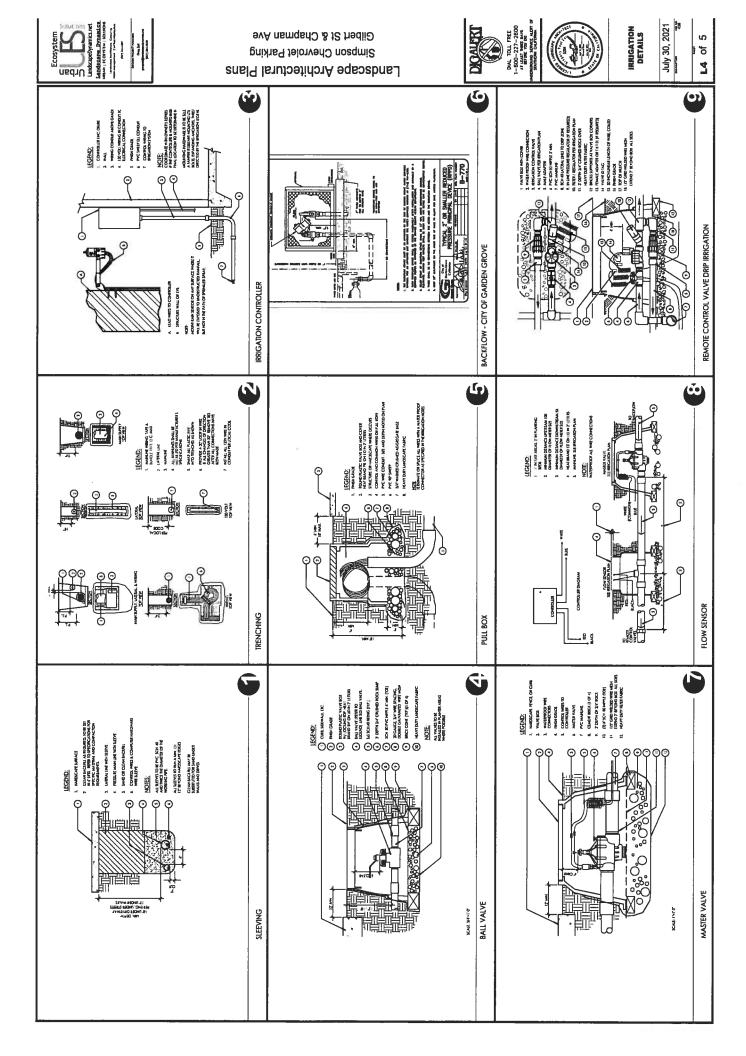


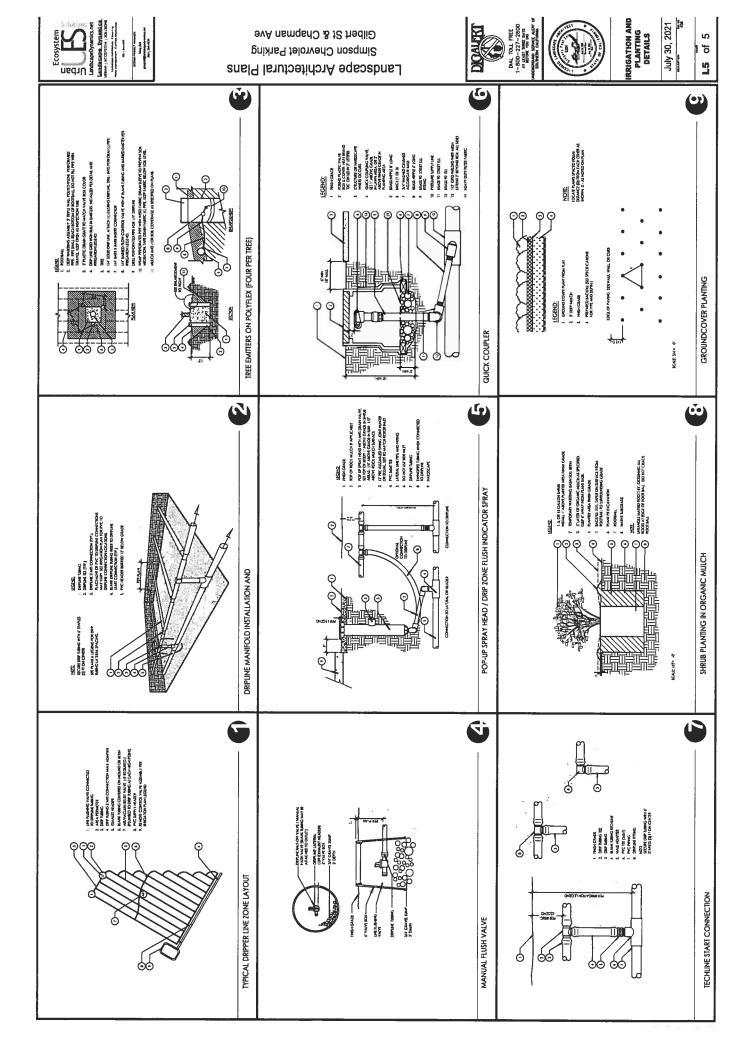
PLANTING PLAN

July 30, 2021

of 5 2

Gilbert St & Chapman Ave





RESOLUTION NO. 6038-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-034-2022, A TEXT AMENDMENT TO CHAPTER 9.18 (MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE TO ALLOW "AUTOMOBILE FLEET STORAGE" AS A CONDITIONALLY PERMITTED USE IN THE NMU (NEIGHBORHOOD MIXED USE) ZONE, AND TO ESTABLISH RELATED SPECIAL OPERATING CONDITIONS AND DEVELOPMENT STANDARDS.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 7, 2022, does hereby recommend that the City Council approve Amendment No. A-034-2022 and adopt the draft Ordinance attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Amendment No. A-034-2022, the Planning Commission of the City of Garden Grove does hereby report as follows:

- 1. The case was initiated by Andresen Architecture, Inc., the applicant, with authorization from the property owner, Hewson/Howard G.C., LLC.
- 2. The applicant has requested that the City adopt a zoning text amendment to allow "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone in conjunction with an existing new car dealership located within the City of Garden Grove, subject to specified Special Operating Conditions and Development Standards. The proposed text amendment is referred to as Amendment No. A-034-2022.
- 3. In conjunction with this request, the applicant has also requested approval of Site Plan No. SP-108-2022 to improve an existing vacant property with a new automobile fleet storage lot, and Conditional Use Permit No. CUP-218-2022 to allow the use of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove (located at 10150 Trask Avenue), on the vacant property for the temporary storage of new automobiles. The site of the proposed automobile fleet storage lot is located on the north side of Chapman Avenue, east side of Gilbert Street, near the intersection of Chapman Avenue and Gilbert Street, and is identified as Assessor's Parcel No. 132-402-20. Approval of the requested Site Plan and Conditional Use Permit is contingent upon City Council approval of Amendment No. A-034-2022.
- 4. Concurrent with its adoption of this Resolution, the Planning Commission adopted Resolution No. 6039-22 approving Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, subject to the City Council's adoption of an Ordinance approving Amendment No. A-034-2022.
- 5. Amendment No. A-034-2022, and the establishment of an automobile fleet storage lot, pursuant to Site Plan No. SP-108-2022 and Conditional Use Permit

No. CUP-218-2022, are collectively referred to herein as the "Project." The Planning Commission recommends the City Council find that the proposed Project is categorically exempt from review under the California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code Section 21000 et seq., pursuant to Sections 15061(b)(3), Common Sense, and 15301, Existing Facilities, of the State CEQA Guidelines (14 Cal. Code Regs., §15061 and §15301).

- 6. Pursuant to legal notice, a public hearing was held on April 7, 2022, and all interested persons were given an opportunity to be heard.
- 7. Report submitted by City staff was reviewed.
- 8. The Planning Commission gave due and careful consideration to the matter during its meeting of April 7, 2022.

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

FACTS:

The former Pacific Electric Right-of-Way bisects the City of Garden Grove running through, or along, major commercial centers and residential areas. Since its abandonment as an operating rail line in the early 1970s, the right-of-way had presented a linear void to the community, which had created areas of blight along the corridor. The right-of-way was purchased by the Orange County Transit District (now known today as the Orange County Transit Authority (OCTA)) in 1982 as a component in an overall transit network with future plans to link areas in Los Angeles County with Orange County cities. In 1990, the Orange County Transit District, and the former Garden Grove Agency for Community Development, had entered into an agreement for the purchase and joint use development of portions of the right-of-way running through Garden Grove. The agreement was made in part, at the time, to facilitate various areas of development in Garden Grove that ran along, or near, the right-of-way corridor such as commercial centers near Garden Grove Boulevard and Euclid Street, and Chapman Avenue and Brookhurst Street. The agreement provided for permanent underground, and above-ground, easements for transit purposes within the right-of-way while allowing for restricted surface development. Any future development, including parking lots, would be subject to removal or modification during the construction phase of a future transit system. The intent of the agreement, in part, was to assure the long term development of the corridor for transit-related purposes would not be precluded by any future uses.

The proposed amendment to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code would establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone,

subject to certain Special Operating Conditions and Development Standards. Pursuant to the proposed Operating Conditions and Development Standards, automobile fleet storage would only be permitted on sites located within the Pacific Electric / OCTA right-of-way and in conjunction with an existing new car dealership located within the City. The proposed standards would also prohibit fleet storage lots from being located directly adjacent to or abutting residentially zoned and developed properties, would prohibit signage, and would limit the use of such lots to the storage/maintenance of new automobiles and prohibit the storage or maintenance of used, inoperable, or wrecked/dismantled automobiles. Loading or unloading of automobiles (e.g., via semi-truck) also would not be permitted on-site or within any public right-of-way. Perimeter fencing set back a minimum of 15 feet (15'-0") from any public right-of-way, with enhanced landscaping to buffer the lot from surrounding uses, would be required for all automobile fleet storage lots. Standards for lighting and paving would also be imposed. Pursuant to the proposed amendment, approval of both a Site Plan and a Conditional Use Permit would be required for any automobile fleet storage use.

FINDINGS AND REASONS:

Amendment:

1. The proposed Amendment is internally consistent with the goals, policies, and elements of the General Plan.

Under the proposed Amendment No. A-034-2022, text amendments to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code would establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone, subject to certain Special Operating Conditions and Development Standards for said use.

Policy LU-2.1 of the General Plan Land Use Element strives to protect residential areas from the effects of potentially incompatible uses provides that, where new commercial or industrial development is allowed adjacent to residentially zoned districts, standards for circulation, noise, buffer areas, landscaping and architecture, which ensure compatibility between the uses, should be maintained. Special Operating Conditions and Development Standards established through the proposed amendment, as well as site specific Conditions of Approval required through the Site Plan and Conditional Use Permit process, will mitigate any potential impacts to nearby uses. Standards and requirements imposed through the proposed Amendment include, but are not limited to, the following: automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City; automobile fleet storage shall only be permitted on sites located within the Pacific Electric / OCTA right-of-way; automobile fleet storage uses shall not be located directly adjacent to or abutting residentially zoned and developed properties; automobile fleet storage uses will only be permitted to store new automobiles

and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; automobile fleet storage lots must be secured by a perimeter fence; minimum setbacks of 15 feet (15'-0") will be required from any public right-of-way with enhanced landscaping to buffer the lot from surrounding uses; and loading or unloading of automobiles (e.g., via semi-truck) will not be permitted on-site or within any public right-of-way.

Policy LU-2.4 of the General Plan Land Use Element strives to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. Special Operating Conditions and Development Standards, as well as site specific Conditions of Approval required through the Site Plan and Conditional Use Permit process, will mitigate any potential impacts to nearby uses, and ensure that automobile fleet storage uses will be designed in a manner that maintains consistency with the type and intensity of existing land uses in the immediate neighborhood area.

Policy LU-4.5 of the General Plan Land Use Element requires that commercial and industrial developments adjoining residential uses be adequately screened and buffered from residential areas. The Special Operating Conditions and Development Standards established through the proposed amendment would prohibit automobile fleet storage uses in the NMU zone from being located directly adjacent to residentially zoned and developed properties, would require perimeter fencing, and would require a minimum 15-foot landscaped setback from any property line.

2. The proposed Amendment will promote the public interest, health, safety and welfare.

The proposed Amendment will promote public interest, health, safety, and welfare by establishing Special Operating Conditions and Development Standards and requiring the approval of a Site Plan and Conditional Use Permit for any proposed automobile fleet storage lot. The Special Operating Conditions and Development Standards, as well as site specific Conditions of Approval required through the Site Plan and Conditional Use Permit process, will collectively mitigate any potential impacts to nearby uses. Standards and requirements established through the proposed Amendment include, but are not limited to, the following: automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City; automobile fleet storage shall only be permitted on sites located within the Pacific Electric / OCTA right-of-way; automobile fleet storage uses shall not be located directly adjacent to or abutting residentially zoned and developed properties; automobile fleet storage uses will only be permitted to store new automobiles and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; automobile fleet storage lots must be secured by a perimeter fence; minimum setbacks of 15 feet (15'-0") will be required from any public right-of-way with enhanced landscaping to buffer the

lot from surrounding uses; and loading or unloading of automobiles (e.g., via semi-truck) will not be permitted on-site or within any public right-of-way.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. Amendment No. A-034-2022 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment).
- 2. The Planning Commission recommends that the City Council approve Amendment No. A-034-2022 and adopt the draft Ordinance attached hereto as Exhibit "A".

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-034-2022, A TEXT AMENDMENT TO CHAPTER 9.18 (MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE TO ESTABLISH "AUTOMOBILE FLEET STORAGE" AS A CONDITIONALLY PERMITTED USE IN THE NMU (NEIGHBORHOOD MIXED USE) ZONE, AND TO ESTABLISH RELATED SPECIAL OPERATING CONDITIONS AND DEVELOPMENT STANDARDS.

CITY ATTORNEY SUMMARY

This Ordinance approves an amendment to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone, subject to specified Special Operating Conditions and Development Standards. Under the Ordinance, automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City and on sites within the Pacific Electric / OCTA right-of-way that are not located directly adjacent to or abutting residentially zoned and developed properties. In addition, the Ordinance prohibits the loading or unloading of automobiles on-site or within the public right-of-way, as well as the storage or maintenance of used automobiles, inoperable automobiles, or automobiles in a wrecked or dismantled condition.

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

WHEREAS, Andresen Architecture, Inc., the applicant, with authorization from the property owner, Hewson/Howard G.C., LLC, has submitted a request for a zoning text amendment to allow "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone in conjunction with an existing new car dealership located within the City of Garden Grove;

WHEREAS, proposed Amendment No. A-034-2022 would amend Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone, and to establish Special Operating Conditions and Development Standards;

WHEREAS, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 et seq., the proposed project is categorically exempt from CEQA pursuant to Section 15301, Existing Facilities, and Section 15061(b)(3), Common Sense, of the CEQA Guidelines;

Garden Grove City Council Ordinance No. Page 2

WHEREAS, the Planning Commission, at a Public Hearing held on April 7, 2022, adopted Resolution No. 6038-22 recommending that the City Council approve Amendment No. A-034-2022;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on (TBD), and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of (TBD); and

WHEREAS, the City Council of the City of Garden Grove hereby makes the following findings regarding Amendment No. A-034-2022:

A. The proposed Amendment is internally consistent with the goals, policies, and elements of the General Plan.

Under the proposed Amendment No. A-034-2022, text amendments to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code would establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone, subject to certain Special Operating Conditions and Development Standards for said use.

Policy LU-2.1 of the General Plan Land Use Element strives to protect residential areas from the effects of potentially incompatible uses and provides that, where new commercial or industrial development is allowed adjacent to residentially zoned districts, standards for circulation, noise, setbacks, buffer areas, landscaping and architecture, which ensure compatibility between the uses, should be maintained. Special Operating Conditions and Development Standards established through the proposed amendment, as well as site specific Conditions of Approval required through the Site Plan and Conditional Use Permit process, will mitigate any potential impacts Standards and requirements imposed through the proposed Amendment include, but are not limited to, the following: automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City; automobile fleet storage shall only be permitted on sites located within the Pacific Electric / OCTA right-of-way; automobile fleet storage uses shall not be located directly adjacent to or abutting residentially zoned and developed properties; automobile fleet storage uses will only be permitted to store new automobiles and will be prohibited from storing used, inoperable, wrecked/dismantled automobiles; automobile fleet storage lots must be secured by a perimeter fence; minimum setbacks of 15 feet (15'-0") will be required from any public right-of-way, with enhanced landscaping to buffer the lot from surrounding uses; and loading or unloading of automobiles (e.g., via semi-truck) will not be permitted on-site or within any public right-of-way.

Policy LU-2.4 of the General Plan Land Use Element strives to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. Special Operating Conditions and Development Standards, as well as site specific

Garden Grove City Council Ordinance No. Page 3

Conditions of Approval required through the Site Plan and Conditional Use Permit process, will mitigate any potential impacts to nearby uses and ensure that automobile fleet storage uses will be designed in a manner that maintains consistency with the type and intensity of existing land uses in the immediate neighborhood area.

Policy LU-4.5 of the General Plan Land Use Element requires that commercial and industrial developments adjoining residential uses be adequately screened and buffered from residential areas. The Special Operating Conditions and Development Standards established through the proposed amendment would prohibit automobile fleet storage uses in the NMU zone from being located directly adjacent to residentially zoned and developed properties, would require perimeter fencing, and would require a minimum 15-foot landscaped setback from any property line.

The proposed Amendment will promote public interest, health, safety, and welfare by establishing Special Operating Conditions and Development Standards and requiring the approval of a Site Plan and Conditional Use Permit for any proposed automobile fleet storage lot. The Special Operating Conditions and Development Standards, as well as site specific Conditions of Approval required through the Site Plan and Conditional Use Permit process, will collectively mitigate any potential impacts to nearby uses. Standards and requirements established through the proposed Amendment include, but are not limited to, the following: automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City; automobile fleet storage shall only be permitted on sites located within the Pacific Electric / OCTA right-of-way; automobile fleet storage uses shall not be located directly adjacent to or abutting residentially zoned and developed properties; automobile fleet storage uses will only be permitted to store new automobiles prohibited from storing will be used, inoperable, wrecked/dismantled automobiles; automobile fleet storage lots must be secured by a perimeter fence; minimum setbacks of 15 feet (15'-0") will be required from any public right-of-way with enhanced landscaping to buffer the lot from surrounding uses; and loading or unloading of automobiles (e.g., via semi-truck) will not be permitted on-site or within any public right-of-way.

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

Section 1. The above recitals are true and correct.

<u>Section 2.</u> The facts and reasons stated in Planning Commission Resolution No. 6038-22 recommending approval of Amendment No. A-034-2022, a copy of which is on file in the Office of the City Clerk, are hereby incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Amendment No. A-034-2022 is hereby approved.

Section 4. Table 9.18-1, "Use Regulations for the Mixed Use Zones", set forth in Section 9.18.020 (Uses Permitted) of Chapter 9.18 (Mixed Use Regulations and

Garden Grove City Council Ordinance No. Page 4

Development Standards) of Title 9 of the Municipal Code is amended as follows to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone (deletions shown in strikethrough, additions shown in **bold-italics-underline**):

Permitted Uses	GGMU- 1, -2, -3	CC-1	CC-2	CC-3	CC- OS	NMU	AR	Additional Regulations and Comments
Industrial		3 -						
Transit/Transportation								
Automobile Fleet Storage	H	<i>EL</i>	<i>[-]</i>	<i>E</i>	H	<u>C</u>	<i>[-]</i> .	See Section 9.18.030.075 (Automobile Fleet Storage).
Helistop	С	[-]	[-]	Ċ	[-]	[-]	[-]	In the CC-3 zone, permitted in association only with a public use.

<u>Section 5.</u> Subdivision 9.18.030.075 is hereby added to Section 9.18.030 (Specific Uses - Special Operating Conditions and Development Standards) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code to read as follows:

"9.18.030.075 Automobile Fleet Storage

Automobile fleet storage shall be conducted only in conjunction with an existing new car dealership located within the City and shall be subject to the following conditions:

- A. Automobile fleet storage shall only be permitted on sites zoned NMU (Neighborhood Mixed Use) that are also within the Pacific Electric/OCTA (Orange County Transportation Authority) Right-of-Way.
- B. Automobile fleet storage shall not be located directly adjacent to, or abutting, residentially zoned and developed properties.
- C. A Site Plan and Conditional Use Permit shall be required, pursuant to Municipal Code Section 9.32.030.
- D. On-site vehicle storage or maintenance shall be limited to new automobiles. There shall be no storing or maintaining of used automobiles, inoperable automobiles, or automobiles in a wrecked or dismantled condition.
- E. The automobile fleet storage lot shall be secured by a perimeter fence or wall with a minimum height of six feet, but not to exceed eight feet, and

shall also include a vehicular access gate(s) providing access to a public street(s). Site access, for vehicular ingress and egress, shall be limited to principal, major, primary, or secondary arterial streets, as identified in the City's Master Plan of Streets and Highways. There shall be no access to residential streets or adjacent properties. The perimeter fence/wall and the location of any vehicular access gate(s) shall be subject to review and approval by the Planning Division and the Public Works Department, Engineering Division. Perimeter fencing shall not include the use of barbed wire, "Constantine" wire, razor wire, or other similar fence treatment.

- F. The perimeter fence or wall for the site shall maintain a minimum setback of 15 feet to any property line (as measured from the ultimate right-of-way) along a public street. All required setbacks shall be fully landscaped with automatic irrigation and shall comply with the City's Water Efficiency Ordinance, pursuant to Municipal Code Section 9.18.120.020, Water Efficiency Requirements. All landscaped areas, within required setbacks, shall be planted with an effective combination of trees, grass berms, ground cover, lawn, shrubbery, and/or approved dry decorative landscaping material.
- G. All on-site lighting shall comply with the City's lighting standards, pursuant to Municipal Code Section 9.18.140.070, Parking Design Standards.
- H. No site signage shall be permitted.
- I. There shall be no loading or unloading of automobiles (e.g., via semitruck) on-site or within any public right-of-way. All automobiles that access the automobile fleet storage lot shall be driven individually by authorized employees of the new car dealership, within the City of Garden Grove, that the lot is serving.
- J. All parking spaces, driveways and maneuvering areas shall be fully paved and maintained with asphalt, concrete, or other City approved material."

<u>Section 6.</u> <u>Severability.</u> If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

Garden Grove City Council Ordinance No. Page 6

<u>Section 7.</u> The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect on the date that is thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the XX^{XX} day of (TBD).

RESOLUTION NO. 6039-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-108-2022 AND CONDITIONAL USE PERMIT NO. CUP-218-2022, FOR A PROPERTY LOCATED ON THE NORTH SIDE OF CHAPMAN AVENUE, EAST SIDE OF GILBERT STREET, NEAR THE INTERSECTION OF CHAPMAN AVENUE AND GILBERT STREET, ASSESSOR'S PARCEL NO. 132-402-20.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 7, 2022, does hereby approve Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, for land located on the north side of Chapman Avenue, east side of Gilbert Street, near the intersection of Chapman Avenue and Gilbert Street, Assessor's Parcel No. 132-402-20, subject to (i) the Conditions of Approval attached hereto as "Exhibit A"; and (ii) Garden Grove City Council adoption of an Ordinance approving Amendment No. A-034-2022.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-108-2022, the Planning Commission of the City of Garden Grove does hereby report as follows:

- 1. The subject case was initiated by Andresen Architecture, Inc., the applicant, with authorization from the property owner, Hewson/Howard G.C., LLC.
- 2. The applicant has requested that the City adopt a zoning text amendment to allow "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone in conjunction with an existing new car dealership located within the City of Garden Grove, subject to specified Special Operating Conditions and Development Standards. The proposed text amendment is referred to as Amendment No. A-034-2022. In conjunction with this request, the applicant has also requested approval of Site Plan No. SP-108-2022 to improve an existing vacant property with a new automobile fleet storage lot and Conditional Use Permit No. CUP-218-2022 to allow the use of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove (located at 10150 Trask Avenue), on the vacant property for the temporary storage of new automobiles. The site of the proposed automobile fleet storage lot is located on the north side of Chapman Avenue, east side of Gilbert Street, near the intersection of Chapman Avenue and Gilbert Street, and is identified as Assessor's Parcel No. 132-402-20. Approval of the requested Site Plan and Conditional Use Permit is contingent upon City Council approval of Amendment No. A-034-2022.
- 3. Concurrently with its adoption of this Resolution, the Planning Commission adopted Resolution No. 6038-22 recommending that the City Council approve Amendment No. A-034-2022, to amend Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone,

and to establish related Special Operating Conditions and Development Standards.

- 4. Amendment No. A-034-2022, and the establishment of an automobile fleet storage lot, pursuant to Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, are collectively referred to herein as the "Project." Pursuant to Resolution No. 6038-22, the Planning Commission recommended the City Council find that the proposed Project is categorically exempt from review under the California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code Section 21000 et seq., pursuant to Sections 15061(b)(3), Common Sense, and 15301, Existing Facilities, of the State CEQA Guidelines (14 Cal. Code Regs., §15061 and §15301).
- 5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
- 6. Report submitted by City staff was reviewed.
- 7. Pursuant to a legal notice, a public hearing was held on April 7, 2022, and all interested persons were given an opportunity to be heard.
- 8. The Planning Commission gave due and careful consideration to the matter during its meeting of April 7, 2022, and considered all oral and written testimony presented regarding the Project.

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

FACTS:

The subject site is a 1.7-acre vacant lot, oriented diagonally, with frontage along the north side of Chapman Avenue and along the east side of Gilbert Street, located near the intersection of Chapman Avenue and Gilbert Street. The site was a portion of a former Pacific Electric Right-of-Way, which bisected the City of Garden Grove running through, or along, major commercial centers and residential areas. Since its abandonment as an operating rail line in the early 1970s, the right-of-way had presented a linear void to the community, which had created areas of blight along the corridor. The right-of-way was purchased by the Orange County Transit District (now known today as the Orange County Transit Authority (OCTA)) in 1982 as a component in an overall transit network with future plans to link areas in Los Angeles County with Orange County cities. In 1990, the Orange County Transit District, and the former Garden Grove Agency for Community Development, had entered into an agreement for the purchase and joint use development of portions of the right-of-way running through Garden Grove. The agreement was made in

part, at the time, to facilitate various areas of development in Garden Grove that ran along or near the right-of-way corridor such as commercial centers near Garden Grove Boulevard and Euclid Street, and Chapman Avenue and Brookhurst Street. The agreement provided for permanent underground, and above-ground, easements for transit purposes within the right-of-way while allowing for restricted surface development. Any future development, including parking lots, would be subject to removal or modification during the construction phase of a future transit system. The intent of the agreement, in part, was to assure the long term development of the corridor for transit related purposes would not be precluded by any future uses.

In 2000, an easement was recorded to allow a thirty-foot (30'-0") wide private road, located at the southern end of the subject property, fronting Chapman Avenue, with adjoining landscaping and signage improvements, to provide additional vehicular access to the adjacent shopping center located to the north/east. This private road access easement area will remain as-is as part of the proposed project with no proposed modifications.

In 2005, the property owner purchased the subject property from the Garden Grove Agency for Community Development. The property has since been vacant. In 2012, the City of Garden Grove completed a comprehensive re-zoning effort throughout various areas of the City by establishing new mixed use zoning, in part, to spur additional development opportunities and flexibility. Even with the new mixed use zoning in effect, the property owner has had difficulty finding a long-term and suitable use for the property, due primarily to the surface development restrictions on the property (e.g., inability to develop the property with permanent buildings).

The site is zoned NMU (Neighborhood Mixed Use) and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The property abuts NMU zoned properties to the north, east, and across Chapman Avenue, to the south, and O-S (Open Space) and R-3 (Multiple-Family Residential) zoned properties, across Gilbert Street, to the west.

The proposed amendment to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code would establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone, as well as establish Special Operating Conditions and Development Standards. The proposed Site Plan approval would allow improvement of an existing vacant property (Assessor's Parcel No. 132-402-20) with a new automobile fleet storage lot, and Conditional Use Permit approval would allow the use of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove (located at 10150 Trask Avenue), on the vacant property for the temporary storage of new automobiles.

Pursuant to the proposed development plan, the project would improve an existing 1.7-acre vacant lot with an enclosed automobile fleet storage parking lot consisting of 144 parking spaces, two gated access points, perimeter fencing ranging between six feet (6'-0'') to eight feet (8'-0''), enhanced new landscaping, site lighting, and new paving.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and is consistent with the General Plan.

Under the proposed Amendment No. A-034-2022, text amendments to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code would establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone, as well as establish Special Operating Conditions and Development Standards for said use, to facilitate the development of the vacant property with an automobile fleet storage lot. In conjunction with the Amendment request, the proposed Site Plan approval would allow improvement of the existing vacant property (Assessor's Parcel No. 132-402-20) with a new automobile fleet storage lot, and Conditional Use Permit approval would allow the use of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove (located at 10150 Trask Avenue), on the vacant property for the temporary storage of new automobiles.

Policy LU-2.1 of the General Plan Land Use Element strives to protect residential areas from the effects of potentially incompatible uses, and provides that, where new commercial or industrial development is allowed adjacent to residentially zoned districts, standards for circulation, noise, setbacks, buffer areas, landscaping and architecture, which ensure compatibility between the uses, should be maintained. The Special Operating Conditions and Development Standards in the Code Amendment and the additional proposed site specific Conditions of Approval will ensure that the proposed automobile fleet storage use, including any other future automobile fleet storage uses in the NMU zone. will be compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. Furthermore, such uses will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access. The project has been designed to mitigate any potential impacts to nearby uses through elements that include, but are not limited to, the following: project site does not directly abut residentially developed properties; the use will only store new automobiles and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; the automobile fleet storage lot will be secured by a perimeter fence; the automobile fleet storage lot is setback a minimum of 15 feet (15'-0") from any public right-of-way with enhanced landscaping to buffer the lot from surrounding uses; and there will be no loading or unloading of automobiles (e.g., via semi-truck) on-site or within any public right-of-way.

Policy LU-2.4 of the General Plan Land Use Element strives to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The surrounding uses around the subject are most prominently improved with existing parking lot areas and commercial buildings. Aesthetically, the applicant has been sensitive to ensuring compatibility with neighboring uses, and has designed the project accordingly with the end result of the project appearing like-kind to a standard commercial parking lot area. Therefore, the type and intensity of the proposed use will be consistent with that of the immediate neighborhood.

Policy LU-4.5 of the General Plan Land Use Element requires that commercial and industrial developments adjoining residential uses be adequately screened and buffered from residential areas. The surrounding uses around the subject site are most prominently improved with existing parking lot areas and commercial buildings. Aesthetically, the applicant has been sensitive to ensuring compatibility with neighboring uses, and has designed the project accordingly with the end result of the project appearing like-kind to a standard commercial The proposed automobile fleet storage lot will provide parking lot area. enhanced landscaped setbacks, including landscaping maintained within the areas immediately adjacent to and outside the southern access gate. The project will provide eight-foot (8'-0") high vehicular access gates (wrought iron) at the northerly and southerly access points. The remaining perimeter of the site will maintain six-foot (6'-0") high fencing. Therefore, adequate landscape and fence screening, including minimum setbacks, will buffer the use from any nearby residential areas. Furthermore, the Special Operating Conditions and Development Standards and additional site specific Conditions of Approval will ensure that the proposed automobile fleet storage use, including any other future automobile fleet storage uses in the NMU zone, will be compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics.

Goal LU-6 of the General Plan Land Use Element strives to revitalize aging, underused or deteriorated commercial corridors, centers, and properties in the City. The subject site is part of an abandoned former Pacific Electric Right-of-Way which bisected the City of Garden Grove running through or along major commercial centers and residential areas. Since its abandonment as an operating rail line in the early 1970s, the right-of-way had presented a linear void to the community which had created areas of blight along the corridor. The property has since been vacant and unimproved. Existing surface development restrictions on the property limit the potential use of the property. The proposed

project intends to improve the blighted and vacant property with an automobile fleet storage use that is designed to be consistent and compatible with the existing surrounding uses in the area.

2. The proposed development will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The subject site is a 1.7-acre vacant lot, oriented diagonally, with frontage along the north side of Chapman Avenue and along the east side of Gilbert Street, located near the intersection of Chapman Avenue and Gilbert Street. Primary access to the site will be via Chapman Avenue and through the existing drive aisle which runs through the southern portion of the property. A thirty-foot (30'-0") wide electric sliding gate, fitted with a Knox box for emergency access, set back 23'-9" from the adjacent drive aisle, will provide vehicular access to the enclosed automobile fleet storage lot. A secondary access gate, setback fifteen feet (15'-0") from the public right-of-way, will be provided at the northern end of the property, fronting Gilbert Street. This secondary access will remain locked, serving only as emergency access, and will provide a manual sliding gate fitted with a Knox box.

The vacant property will be improved with a new automobile fleet storage lot consisting of a paved parking lot area with associated site improvements including striped parking stalls, perimeter fencing, parking lot lighting, and landscaping. A 26'-0'' wide two-way drive aisle will run diagonally through the center of the property, with rows of parking spaces on each side. The southern side of the property will provide 96 tandem parking spaces. The northern side of the property will provide 48 parking spaces. The proposed automobile fleet storage lot will provide a total of 144 parking spaces. A ten-foot by twenty-foot $(10' \times 20')$ "No Parking" hatched area will be located just outside the southerly gate, to provide a turnaround area for vehicles.

The applicant has indicated that vehicle deliveries, via semi-truck, will initially be offloaded at the Chevrolet dealership site, located at 10150 Trask Avenue. Subsequently, vehicles to be stored at the proposed automobile fleet storage site will be driven individually from the Chevrolet dealership location. There will be no on-site semi-truck unloading of vehicles on the subject property or within any public right-of-way.

The project and site plan layout has been designed so as not to adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

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

The existing streets, utilities, and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development. The Public Works Department has reviewed the plans and all appropriate conditions of approval have been incorporated. The proposed development will provide landscaping and proper grading of the site to provide adequate on-site drainage. All other appropriate conditions of approval have been included, which will minimize any adverse impacts to surrounding streets.

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

The project has been reviewed by the Public Works Department, which has required various on- and off-site improvements, including curb and gutter, driveway access, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

5. The proposed development is compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The surrounding uses around the subject site are most prominently improved with existing parking lot areas and commercial buildings. Aesthetically, the applicant has been sensitive to ensuring compatibility with neighboring uses, and has designed the project accordingly with the end result of the project appearing like-kind to a standard commercial parking lot area. The proposed automobile fleet storage lot will provide enhanced landscaped setbacks, including landscaping maintained within the areas immediately adjacent to and outside the southern access gate. The project will provide eight-foot (8'-0") high vehicular access gates (wrought iron) at the northerly and southerly access points. The remaining perimeter of the site will maintain six-foot (6'-0") high fencing. Therefore, adequate landscape and fence screening, including minimum setbacks, will buffer the use from any nearby residential areas. Furthermore, the project complies with all requirements of the Municipal Code, including those development standards applicable to the NMU (Neighborhood Mixed Use) zone, ensuring that the proposed development is compatible, appropriate, and safe.

Conditional Use Permit:

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

Under the proposed Amendment No. A-034-2022, text amendments to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code would establish "Automobile Fleet Storage" as a conditionally

permitted use in the NMU zone, as well as establish Special Operating Conditions and Development Standards for said use, to facilitate the development of the vacant property with an automobile fleet storage lot. In conjunction with the Amendment request, the proposed Site Plan approval would allow improvement of the existing vacant property (Assessor's Parcel No. 132-402-20) with a new automobile fleet storage lot, and Conditional Use Permit approval would allow the use of a new automobile fleet storage lot, operated by the existing Chevrolet dealership in Garden Grove (located at 10150 Trask Avenue), on the vacant property for the temporary storage of new automobiles.

Policy LU-2.1 of the General Plan Land Use Element strives to protect residential areas from the effects of potentially incompatible uses and provides that, where new commercial or industrial development is allowed adjacent to residentially zoned districts. standards for circulation, noise, setbacks, buffer areas, landscaping and architecture, which ensure compatibility between the uses, should be maintained. The Special Operating Conditions and Development Standards and additional proposed site specific Conditions of Approval will ensure that the proposed automobile fleet storage use, including any other future automobile fleet storage uses in the NMU zone, will be compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. Furthermore, such uses will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access. project has been designed to mitigate any potential impacts to nearby uses through elements that include, but are not limited to, the following: project site does not directly abut residentially developed properties; the use will only store new automobiles and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; the automobile fleet storage lot will be secured by a perimeter fence; the automobile fleet storage lot is setback a minimum of 15 feet (15'-0") from any public right-of-way with enhanced landscaping to buffer the lot from surrounding uses; and there will be no loading or unloading of automobiles (e.g., via semi-truck) on-site or within any public right-of-way.

Policy LU-2.4 of the General Plan Land Use Element strives to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The surrounding uses around the subject are most prominently improved with existing parking lot areas and commercial buildings. Aesthetically, the applicant has been sensitive to ensuring compatibility with neighboring uses, and has designed the project accordingly with the end result of the project appearing like-kind to a standard commercial parking lot area. Therefore, the type and intensity of the proposed use will be consistent with that of the immediate neighborhood.

Policy LU-4.5 of the General Plan Land Use Element requires that commercial and industrial developments adjoining residential uses be adequately screened and buffered from residential areas. The surrounding uses around the subject site are most prominently improved with existing parking lot areas and commercial buildings. Aesthetically, the applicant has been sensitive to ensuring compatibility with neighboring uses, and has designed the project accordingly with the end result of the project appearing like-kind to a standard commercial parking lot area. The proposed automobile fleet storage lot will provide enhanced landscaped setbacks, including landscaping maintained within the areas immediately adjacent to and outside the southern access gate. The project will provide eight-foot (8'-0") high vehicular access gates (wrought iron) at the northerly and southerly access points. The remaining perimeter of the site will maintain six-foot (6'-0") high fencing. Therefore, adequate landscape and fence screening, including minimum setbacks, will buffer the use from any nearby residential areas. Furthermore, the Special Operating Conditions and Development Standards and additional proposed site specific Conditions of Approval will ensure that the proposed automobile fleet storage use, including any other future automobile fleet storage uses in the NMU zone, will be compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics.

Goal LU-6 of the General Plan Land Use Element strives to revitalize aging, underused or deteriorated commercial corridors, centers, and properties in the City. The subject site is part of an abandoned former Pacific Electric Right-of-Way, which bisected the City of Garden Grove running through, or along, major commercial centers and residential areas. Since its abandonment as an operating rail line in the early 1970s, the right-of-way had presented a linear void to the community which had created areas of blight along the corridor. The property has since been vacant and unimproved. Existing surface development restrictions on the property limit the potential use of the property. The proposed project intends to improve the blighted and vacant property with an automobile fleet storage use that is designed to be consistent and compatible with the existing surrounding uses in the area.

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 Special Operating Conditions and Development Standards and additional proposed site specific Conditions of Approval will ensure that the proposed automobile fleet storage use, including any other future automobile fleet storage uses in the NMU zone, will be compatible with the physical, functional, and visual

quality of the neighboring uses and desirable neighborhood characteristics. Furthermore, such uses will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access. The project has been designed to mitigate any potential impacts to nearby uses through elements that include, but are not limited to, the following: project site does not directly abut residentially developed properties; the use will only store new automobiles and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; the automobile fleet storage lot will be secured by a perimeter fence; the automobile fleet storage lot is setback a minimum of 15 feet (15'-0") from any public right-of-way with enhanced landscaping to buffer the lot from surrounding uses; and there will be no loading or unloading of automobiles (e.g., via semi-truck) on-site or within any public right-of-way.

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 surrounding uses around the subject site are most prominently improved with existing parking lot areas and commercial buildings. Aesthetically, the applicant has been sensitive to ensuring compatibility with neighboring uses, and has designed the project accordingly with the end result of the project appearing like-kind to a standard commercial parking lot area. The proposed automobile fleet storage lot will provide enhanced landscaped setbacks, including landscaping maintained within the areas immediately adjacent to and outside the southern access gate. The project will provide eight-foot (8'-0") high vehicular access gates (wrought iron) at the northerly and southerly access points. The remaining perimeter of the site will maintain six-foot (6'-0") high fencing. Therefore, adequate landscape and fence screening, including minimum setbacks, will buffer the use from any nearby residential areas. Furthermore, the project complies with all requirements of the Municipal Code, including those development standards applicable to the NMU (Neighborhood Mixed Use) zone, ensuring that the proposed development is compatible, appropriate, and safe.

The project has been designed to mitigate any potential impacts to nearby uses through elements that include, but are not limited to, the following: project site does not directly abut residentially developed properties; the use will only store new automobiles and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; the automobile fleet storage lot will be secured by a perimeter fence; the automobile fleet storage lot is setback a minimum of 15 feet (15'-0") from any public right-of-way with enhanced landscaping to buffer the lot from surrounding uses; and there will be no loading or unloading of automobiles (e.g., via semi-truck) on-site or within any public right-of-way.

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 existing streets within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development. The Public Works Department has reviewed the plans and all appropriate conditions of approval have been incorporated. The proposed development will provide landscaping and proper grading of the site to provide adequate on-site drainage. All other appropriate conditions of approval and mitigation measures have been included, which will minimize any adverse impacts to surrounding streets.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Site Plan and Conditional Use Permit do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Site Plan).
- 2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022.
- 3. Approval of this Site Plan and Conditional Use Permit shall be subject to the recommended Conditions of Approval, and contingent upon City Council adoption of an ordinance approving Amendment No. A-034-2022.

EXHIBIT "A"

Site Plan No. SP-108-2022 Conditional Use Permit No. CUP-218-2022

(Assessor's Parcel No. 132-402-20)

CONDITIONS OF APPROVAL

General Conditions

- 1. The applicant and each owner of the property shall execute, and the applicant shall record against the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, the developer of the project, the current owner of the Property, the future owner(s) and tenants(s) of the Property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022.
- 2. Approval of this Site Plan and 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.
- 3. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
- 4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan and Conditional Use Permit. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
- 5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

- 6. The applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
- 7. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the precise grading and street improvement plans.
- 8. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks, infiltration and stormwater treatment structures, and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels. Requirements for any "dewatering" will also need to be addressed in the report.
- 9. A separate street permit is required for work performed within the public right-of-way.
- 10. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30 feet (30'-0") outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. All improvements within public right-of-way shall conform to all format and design requirements of the City Standard Drawings & Specifications. Special features, such as decorative pavers or other improvements, may be required to have an agreement prepared between the owner and the city to cover any encroachment limitations, responsibilities and maintenance requirements.
- 11. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.

- 12. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
- 13. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
- 14. Prior to the issuance of any grading or building permits <u>or</u> prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
- 15. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.

- d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
- The applicant and its contractor shall be responsible for protecting all existing 16. horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at its expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).
- 17. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
- 18. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be reviewed and approved by the Planning Services Division prior to installation.
- 19. The applicant shall identify a temporary parking site(s) for construction crew prior to issuance of a grading permit. No construction parking is allowed on local streets.
- 20. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.

- 21. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
- 22. Any required lane closures should occur outside of peak travel periods.
- 23. Construction vehicles should be parked off traveled roadways in a designated parking.
- 24. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
- 25. Prior to issuance of the building permit, the applicant shall design and construct street frontage improvements as identified below. All landscaping installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Department.

Chapman Avenue

- a. Remove existing curb/gutter and construct new driveway approach to the site along the access road connecting the Promenade shopping mall to Chapman Avenue in accordance with City of Garden Grove Standard Plan B-120 (Option #1).
- b. Any proposed new landscaping in public right-of-way shall be approved by Planning Division and maintained by the owner.
- c. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk area on Chapman Avenue with Planning Division and Water Division.

Gilbert Street

- a. Remove and replace existing substandard driveway approach to the site on Gilbert Street and construct new driveway approach in accordance with City of Garden Grove Standard Plan B-120 (Option #1).
- b. Construct new commercial sidewalk fronting the project on Gilbert Street per City of Garden Grove Standard Plan B-106.
- c. The applicant shall cold mill (grind) existing asphalt pavement 3-inch uniform depth and replace with 3-inches of fiber-reinforced asphalt

surface course from the edge of the easterly gutter to the center line of Gilbert Street along the property frontage per City specifications and per the direction of the City Engineer.

- d. Any proposed new landscaping in public right-of-way shall be approved by Planning Division and maintained by the owner.
- e. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk area on Gilbert Street with Planning Division and Water Division.

Public Works Water Services Division

- 26. There is no existing water service for this property. New installation is required and is conditioned on the assignment of new address for the property.
- 27. New water service installations two inches (2") and smaller, shall be installed by the City of Garden Grove at applicant's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (3") and larger, shall be installed by applicant's contractor per City Standards.
- 28. Water meters shall be located within the City right-of-way. Fire services and large water services three inches (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.
- 29. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have 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.
- 30. It shall be the responsibility of applicant 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.
- 31. A composite utility site plan shall be part of the water plan approval.
- 32. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.

- 33. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
- 34. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
- 35. If needed, owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be six-inch (6") minimum diameter, extra strength VCP with wedgelock joints.
- 36. 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.
- 37. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum twelve inches (12") below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
- 38. If water main is exposed during installation of sewer lateral, a 20-foot (20'-0") section of the water main shall be replaced with 20-foot (20'-0") PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing.

Orange County Fire Authority

39. The applicant shall ensure that the project complies with all applicable life safety matters, as required by the Orange County Fire Authority.

Community and Economic Development Department

- 40. This Conditional Use Permit only authorizes the operation of an "automobile fleet storage" lot on the subject property, which, in addition to complying with the Conditions of Approval contained herein, shall further comply with all Special Operating Conditions and Development Standards pursuant to Municipal Code Section 9.18.030.075, Automobile Fleet Storage.
- 41. Exterior advertisements displays or exterior wall/fence advertisements shall not be allowed.
- 42. Hours and days of construction and grading shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.060 referred to as Noise Control, Special Noise Sources, for Construction of Buildings and Projects.
- 43. 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.

- 44. The applicant shall comply with the adopted City Noise Ordinance.
- 45. The construction plans, including grading and development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.
- 46. As a part of the finalized working drawings for the Planning Division, Engineering Division, and Building and Safety Division, the developer shall submit a detailed and dimensioned plot plan, perimeter fence/wall design, and landscape plans that reflect the conditions of approval. The plans shall indicate landscape materials, and fence/wall materials proposed for the project.
- 47. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Division. Lighting shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences. Parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness.
- 48. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Division, for review and approval prior to submittal of plans for Building and Safety Division, Plan Check. The project shall also be subject to the following:
 - a. All above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community and Economic Development Department, Planning Division.
- 49. The applicant shall submit a complete landscape plan governing the entire development for review and approval by the Community and Economic Development Department prior to building permit issuance. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code as well as provisions by the State of California concerning drought tolerant landscape measures (Landscape Water Efficiency Guidelines). Said plan shall include type, size, location and quality of all plant material. The plan shall include an irrigation plan, and staking and planting specification. The landscape plan is subject to the following:

- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
- b. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided around each of these equipment/apparatus.
- c. The applicant shall be responsible for the installation and maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to within the public right-of-way.
- d. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. All proposed trees shall be non-fruit bearing, evergreen trees that require minimal maintenance.
- e. No trees shall be planted closer than five feet (5') from the public right-of-way. Trees planted within fifteen feet (15') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages, adjacent to driveways, shall be of the low-height variety to ensure safe sight clearance.
- 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 compliance with all applicable laws and regulations.
- 51. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant and all agents thereof.
- 52. All on-site curbs, not associated with a parking space, shall be painted red.
- 53. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
 - a. There shall be no business activities, or exterior storage permitted.
 - b. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.

54. In the event the development cannot accommodate the parking demand, due to impacts generated by the development, at any given time, which causes a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, as determined by the City's Community and Economic Development Director in his/her reasonable discretion, the applicant shall devise and implement a plan approved by the City to relieve the situation.

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

- 55. A copy of the resolution approving Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, including these Conditions of Approval, shall be kept on the premises at all times.
- 56. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, and his/her agreement with all conditions of the approval.
- 57. 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 Amendment No. A-034-2022, Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022. 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.

- 58. It shall be the applicant's responsibility to verify that any site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.
- 59. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-108-2022 and Conditional Use Permit No. CUP-218-2022, has begun.

City of Garden Grove INTER-DEPARTMENT MEMORANDUM

To:

Planning Commission

From: Lisa L. Kim

Dept:

Dept: Community & Economic

Development

Subject: REVIEW OF CODE OF ETHICS

Date: April 7, 2022

Chapter 2.02 of the Municipal Code comprises the City's Code of Ethics. Pursuant to that Chapter, the Planning Commission has a duty to review the Code of Ethics annually during their first meeting in the month of April; however, if the first meeting is cancelled, the review shall be re-scheduled to the next regular meeting.

Accordingly, the Code of Ethics is scheduled for your formal review at the Commission meeting of April 7, 2022. There is no resolution required; rather, your action will be documented in the minutes of the meeting.

LISA L. KIM

Assistant City Manager

Community and Economic Development Director

Attachment: Municipal Code Chapter 2.02

Garden Grove Municipal Code

He Dunious 8

Jp Previous Next
Title 2 ADMINISTRATION AND PERSONNEL

Main

Collapse

Search

Print

No Frames

Chapter 2.02 CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

2.02.005 Code Review

All official boards, commissions, and committees of the City are to formally review the following Code of Ethics provided in this chapter with their members annually during their first meeting in the month of April. New members are to be provided a copy of the Code of Ethics for their review when they are appointed or elected to each board, commission, or committee. (2813 § 1, 2012; 1437 § 1, 1975)

2.02.010 Declaration of Policy

The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; and that public office not be used for personal gain. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.020 Responsibilities of Public Office

Public officials are all elective officials of the City and the members of all official boards, commissions, and committees of the City. Public officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out the laws of the nation, state, and municipality. Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their offices, regardless of personal considerations; recognizing that the public interest must be their primary concern, and that conduct in both their official and private affairs should be above reproach. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.030 Dedicated Service

Public officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or the officially recognized confidentiality of their work. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.040 Fair and Equal Treatment

Preferential consideration of the request or petition of any individual citizen or group of citizens shall not be given. No person shall receive special advantages beyond that which are available to any other citizen. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.050 Use of Public Property

No public official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such public official or employee in the conduct of official business. No public official or employee shall use the time of any City employee during working hours for personal convenience or profit. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.060 Obligations to Citizens

- A. CONFLICT WITH PROPER DISCHARGE OF DUTIES. No public official or employee, while serving as
- such, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by law.
- B. INCOMPATIBLE EMPLOYMENT. No public official or employee shall accept other employment that he or she has reason to believe will either impair his or her independence of judgment as to his or her official duties or require him or her or induce him or her to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.
- C. DISCLOSURE OF CONFIDENTIAL INFORMATION. No public official or employee shall willfully and knowingly disclose for pecuniary gain to any other person confidential information acquired by him or her in the course of and by reason of his or her official duties nor shall any public official or employee use any such information for the purpose of pecuniary gain.
- D. CONFLICT OF INTEREST. A conflict of interest exists in a matter before a public official for consideration or determination if:
- 1. The public official has a substantial financial or substantial personal interest in the outcome or as owner, member, partner, officer, employee, or stockholder of any corporation or other professional enterprise that will be affected by the outcome, and such interest is or may be adverse to the public interest in the proper performance of governmental duties by the public official;
- 2. The public official has reason to believe or expect that he or she will derive direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity;
- 3. The public official, because of bias, prejudice, or because he or she has prejudged a matter set for public hearing, is incapable because of such bias, prejudice or prejudgment of granting to the matter before him or her a fair and impartial hearing.
- 4. Personal interest as distinguished from financial interest is defined as including, among other matters, an interest arising from blood or marriage relationships, or close business association. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.070 Disclosure of Interest and Disqualification

- A. Any Councilmember who has a conflict of interest as defined herein, in any matter before the City Council, shall disclose such fact on the record of the City Council and refrain from participating in any discussion of voting thereon, provided that such exceptions shall be observed as are required by law.
- B. Any member of any official board, commission, or committee who has a conflict of interest as defined herein in any matter before the board, commission, or committee of which he or she is a member, shall disclose such fact on the record of such board, commission, or committee and refrain from participating in any discussion or voting thereon, provided that such exceptions shall be observed as are required by law.
- C. Any employee who has a financial or other special interest in a matter before the City Council or any board, commission, or committee and who participates in discussion with, or gives an official opinion to the City Council, or to such board, commission, or committee relating to such matter, shall disclose on the record of the City Council or such board, commission, or committee, as the case may be, the nature and extent of such interest. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.080 Compliance with State Law

Public officials and employees of the City shall comply with applicable provisions of state law relative to conflicts of interest and generally regulating the conduct of public officials and employees. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.090 Violations—Actions

The violation of any provision of this chapter shall be:

- A. As to all City employees, grounds for dismissal from City employment;
- B. As to any appointed position on any board, commission, or committee, grounds for removal from any such board, commission, or committee;
- C. As to any prosecution of any elected public official, the City Council shall make findings of fact by at least a vote of three City Councilmembers that an elected public official has, in fact, violated this chapter as a prerequisite to prosecution. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.100 State Laws—Control

This chapter and its application are intended to be supplemental to and consistent with all applicable state laws. (2813 § 1, 2012; 1301 § 1, 1972)

2.02.110 Violations—Penalty

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable as provided in Section 1.04.010 of this Code. (2813 § 1, 2012; 1301 § 1, 1972)

View the mobile version.