



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

NOVEMBER 20, 2014

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

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

ROLL CALL: CHAIR LAZENBY, VICE CHAIR MARGOLIN
COMMISSIONERS ALEJANDRO, BRIETIGAM, NGUYEN, SILVA, ZAMORA

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

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

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

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

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: October 16, 2014
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. SITE PLAN NO. SP-015-2014
CONDITIONAL USE PERMIT NO. CUP-024-2014

APPLICANT: VICTOR PEREZ

LOCATION: NORTHWEST CORNER OF WESTMINSTER AVENUE AND
TAFT STREET AT 10721 WESTMINSTER AVENUE

REQUEST: A request for Site Plan approval to allow the construction of a new 1,584 square foot addition to an existing 1,237 square foot one-story building, which is currently in operation as a nonconforming auto repair business on a site consisting of approximately 17,750 square feet. The proposed addition will include additional office area and service bays for the proposed minor auto maintenance use. Also, because the expansion will result in an intensification of the existing nonconforming auto repair use, the applicant is requesting conditional use permit approval to operate a minor auto maintenance use instead. The site is in the C-1 (Neighborhood Commercial) zone. This project is exempt pursuant to CEQA Section – 15301(e)(2)(A&B) – Existing Facilities.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014, subject to the recommended conditions of approval.

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

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

Regular Meeting Minutes
Thursday, October 16, 2014

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair Lazenby
Vice Chair Margolin
Commissioner Alejandro
Commissioner Brietigam
Commissioner Silva
Commissioner Zamora

Absent: Commissioner Nguyen

PLEDGE OF ALLEGIANCE: Led by Commissioner Alejandro.

ORAL COMMUNICATIONS – PUBLIC: None.

SEPTEMBER 18, 2014 MINUTES

Action: Received and filed.
Motion: Margolin Second: Alejandro
Ayes: (6) Alejandro, Brietigam, Lazenby, Margolin, Silva,
Zamora
Noes: (0) None
Absent: (1) Nguyen

PUBLIC HEARING – SITE PLAN NO. SP-015-2014, CONDITIONAL USE PERMIT NO. CUP-024-2014. FOR PROPERTY LOCATED AT 10721 WESTMINSTER AVENUE, NORTHWEST CORNER OF WESTMINSTER AVENUE AND TAFT STREET.

Applicant: Victor Perez
Date: October 16, 2014

Request: Site Plan approval to allow the construction of a new 1,584 square foot addition to an existing 1,237 square foot one-story building, which is

currently in operation as a legal nonconforming minor auto maintenance and auto sales business on a site consisting of approximately 17,750 square feet. The proposed addition will include additional office area and service bays. Also, due to the expansion and intensification of the existing legal nonconforming minor auto maintenance use, the applicant is requesting Conditional Use Permit approval to continue operation of the minor auto maintenance business. The site is in the C-1 (Neighborhood Commercial) zone and the project is exempt pursuant to CEQA Section 15303(c) – New Construction or Conversion of Small Structures.

Action: Motion to continue the item to a date off calendar per the applicant's request.

Motion: Brietigam Second: Alejandro

Ayes: (6) Alejandro, Brietigam, Lazenby, Margolin, Silva, Zamora

Noes: (0) None

Absent: (1) Nguyen

ITEM FOR CONSIDERATION – GENERAL PLAN CONFORMITY. FOR PROPERTY LOCATED AT 12361 CHAPMAN AVENUE.

Applicant: City of Garden Grove

Date: October 16, 2014

Request: Determination by the Planning Commission to find and report to the City Council, pursuant to Government Code Section 65402, that the proposed disposition of property located at 12361 Chapman Avenue, a restaurant pad site with an existing approximately 11,000 square foot restaurant building, along with leasing a separate land area having 75 parking spaces adjacent to the former golf driving range, by the City of Garden Grove, is in conformity with the General Plan.

Action: Resolution No. 5838-14 adopted.

Motion: Brietigam Second: Zamora

Ayes: (6) Alejandro, Brietigam, Lazenby, Margolin, Silva, Zamora

Noes: (0) None

Absent: (1) Nguyen

MATTERS FROM COMMISSIONERS: Commissioner Silva asked staff for an update on Re:Imagine and questioned whether the Boys and Girls Club, the Planning Commission or the Main Street merchants and property owners had been asked for their opinions. Staff stated that the initial Re:Imagine document should be completed by December; that Main Street merchants and owners had been contacted; and that an interactive Neighborhood Meeting had taken place around mid-year. Commissioner Silva then pointed out that there was no public comment at the meeting.

Commissioner Zamora thanked staff for cleaning up the sidewalk on Euclid Street.

Vice Chair Margolin asked why Oggi's Restaurant does not currently have a liquor license. Staff stated that though the Conditional Use Permit through the City was still valid, the absence of an alcohol license was an Alcoholic Beverage Control matter.

Vice Chair Margolin then asked if the Ashley's Furniture store was going in at the northeast corner of Brookhurst Street and Garden Grove Boulevard as new furniture was inside. Staff was not certain in regard to Ashley's as the original concept was for furniture consignment.

Commissioner Brietigam asked if Code Enforcement addressed the issues at the Chinese restaurant on Valley View Street. Staff stated that the property owner was contacted to get the property cleaned up. The Commissioner then asked if the City had a program in place to attract businesses, perhaps focusing on the Chinese restaurant space that has been vacant for years. Staff responded that the Economic Development division was responsible for attracting businesses and that the suggestion would be passed along.

Chair Lazenby mentioned that stores at a Brookhurst Street and Katella Avenue shopping center, had parking and tow-away warning signs posted for particular stores. Staff responded that store owners could not designate specific spaces for their businesses as parking was to be shared.

Commissioner Alejandro asked for an update on the vacant Vons building. Staff responded that any negotiations have been quiet for the last two to three months.

MATTERS FROM STAFF: Staff stated that the house on Newhope Street and Westminster Avenue has a warrant out for the owner; that Planning Commission on Thursday, November 6th, would be cancelled, however, a meeting on November 20th would be held; that next Tuesday, October 21st, would be a neighborhood meeting on the Jamboree project at 6:00 p.m. in the United Methodist Church; that the December 4th meeting may have two projects, one being the Jamboree project; and that Thursday, December 18th was reserved for the Planning Commission holiday dinner.

ADJOURNMENT: At 7:45 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, November 6, 2014, at 7:00 p.m. in the Garden Grove Council Chamber, 11300 Stanford Avenue, Garden Grove.

Motion: Brietigam Second: Alejandro

Ayes: (6) Alejandro, Brietigam, Lazenby, Margolin, Silva,
Zamora

Noes: (0) None

Absent: (1) Nguyen

Judith Moore, Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Northwest corner of Westminster Avenue and Taft Street, at 10721 Westminster Avenue
HEARING DATE: October 16, 2014	GENERAL PLAN: Light Commercial
CASE NO.: Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014	ZONE: C-1 (Neighborhood Commercial)
APPLICANT: Victor Perez	CEQA DETERMINATION: Exempt
PROPERTY OWNER(S): Tommy Do	APN: 099-504-47

REQUEST:

The applicant is requesting Site Plan approval to allow the construction of a new 1,584 square foot addition to an existing 1,237 square foot one-story building, which is currently in operation as a nonconforming auto repair business on a site consisting of approximately 17,750 square feet. The proposed addition will include additional office area and service bays for the proposed minor auto maintenance use. Also, because the expansion will result in an intensification of the existing nonconforming auto repair use, the applicant is requesting Conditional Use Permit approval to operate a minor auto maintenance use instead.

BACKGROUND:

The subject property is approximately 16,306 square feet in area and is described as "Parcel 1" in the legal description. The abutting property to the east is an Orange County Flood Control District Channel (the "channel") where the southwesterly portion of the property is described as "Parcel 2" in the legal description. "Parcel 2" is an easement, at this southeasterly corner of the development, set aside for ingress and egress over and across the right to cover the subject channel and is improved with an existing driveway for vehicular access. The total lot area, including both "Parcel 1" and "Parcel 2", is approximately 17,750 square feet.

The subject property is zoned C-1 (Neighborhood Commercial) and has a General Plan Land Use Designation of Light Commercial. The adjacent easement portion of the channel property is zoned O-S (Open Space) and has a General Plan Land Use Designation of Open Space. The subject development is adjacent to C-1 zoned

properties to the east, across Taft Street, and to the south, across Westminster Avenue, and immediately to the west of the site, and R-1 (Single-Family Residential) zoned properties to the north.

The subject property is currently improved with an existing one-story building, which is in operation as a nonconforming auto repair business. Upon prior inspections of the site, it was observed that auto repair and servicing was occurring on the site in a manner that classified the overall operation as "auto repair" as defined in the Zoning Code. An "auto repair (including paint or body work)" use "means an establishment consisting of services such as bodywork, conversion, installation of parts, modification, painting, repair, upholstery, engine overhaul, and transmission repair for automobiles. Operations not permitted include, recapping or retreading of tires. The repair of buses or trucks is considered 'Bus/Truck Repair'." "Auto repair" is neither a permitted, nor conditionally permitted, use in the C-1 Zone.

The applicant is proposing to construct a one-story addition to the existing building, and has requested approval to operate a "minor auto maintenance" establishment, which has prompted the necessity to approve a new Site Plan and Conditional Use Permit.

The subject property was originally developed and used as a service station. This existing service station closed its business in February of 1974. The Garden Grove Municipal Code requires the approval of a new Conditional Use Permit to reopen a service station that has been closed for a period of ninety days or longer. In 1977, the City of Garden Grove approved Conditional Use Permit No. CUP-143-77, to allow the applicant to reopen the existing service station.

Also, the Municipal Code requires the approval of a new Site Plan when there is a proposal for "Any new building or structure, or any addition to an existing structure or building that exceeds ten percent of the existing floor area, or one thousand square feet, whichever is less."

The existing service station ceased the sales of motor fuels, but continued the auto repair business. In 1998, a building permit was issued to remove the underground fuel tanks. The existing 1,237 square foot building and the existing canopy has remained.

DISCUSSION:

SITE PLAN:

Site Design, Circulation & Floor Plan:

The existing building has a gross floor area of 1,237 square feet. The applicant is proposing to construct a new 1,584 square foot addition, which exceeds ten percent of the existing floor area. Thus, Site Plan approval is required to permit the proposed addition.

The existing 1,237 square foot building consists of a 250 square foot office, two (2) service bays at 750 square feet, and an existing un-permitted 237 square foot storage area, which is to be legalized as part of this application. The original site plan provided thirteen (13) parking spaces on-site.

Although the underground tanks and fuel pump stations have already been removed, the freestanding existing canopy has remained as a remnant of the previous service station use. As part of this application, and to comply with City Code regarding the previous conversion of the service station to an auto repair, the existing free-standing canopy is required to be removed, per Municipal Code Section 9.16.020.050.AX.b.

There are two (2) driveway approaches off Westminster Avenue, but the driveway approach closest to the intersection of Westminster Avenue and Taft Street, has been blocked off with bollards. Both existing driveways off Westminster Avenue will be removed, new sidewalks will be constructed to tie into the existing adjacent sidewalk, and a new driveway approach located at the southwest corner of the site will be constructed. There is one (1) additional driveway approach, which provides access to the site off Taft Street. This driveway approach off Taft Street is an easement area that goes over the Orange County Flood Control District Channel.

At the time of approval, under CUP-143-77, there was no minimum street side setback required. An existing three-foot (3'-0") planter has remained along the easterly property line and the applicant has proposed to construct a new trash enclosure along this property line and behind the planter. While City Code requires a ten-foot (10'-0") street side setback, the easterly property line does not directly abut a street, and instead, abuts the Orange County Flood Control District Channel. Therefore, there is approximately thirty-five feet (35'-0") of setback between the development and Taft Street. Staff finds this buffering to be more than adequate. Additionally, there is no increase in the degree of nonconformity involved in the proposed construction of the trash enclosure along the easterly property line.

The applicant is proposing to construct a new one-story 1,584 square foot addition to the existing 1,237 square foot building. The new addition will consist of 375 square feet of additional office area, which includes two (2) bathrooms, and 1,209 square feet of area for two (2) additional service bays. The proposed expansion, including the storage area to be legalized, will solely be used as part of the minor auto maintenance use. The total gross floor area of the building, including the new addition, will be 2,821 square feet.

Based on the four (4) service bays, 862 square feet of office and indoor storage space, Code requires that a minimum of seventeen (17) parking spaces be provided. Per the submitted site plan, the applicant is proposing to provide a total of twenty-two (22) parking spaces. There will be a surplus of five (5) parking spaces. Therefore, the proposed project complies with the parking requirements of the Municipal Code.

Building Design:

The proposed addition will architecturally match the existing building using the same wall material finish, window treatment, and roof type. The roof is a mansard type and the paint of the new addition will match the existing building color, which is white.

Landscaping:

The existing site is completely devoid of any amount of substantial landscaping. The only existing landscaping is provided within the three-foot (3'-0") planter area, along the easterly property line, which is approximately 260 square feet. There are approximately 3-4 existing trees within this planter area. As part of this application, site improvements will include the addition of landscaping within the front setback, the side street setback near the southeasterly corner of the development, and the rear setback. This new landscaping installment will total approximately 2,989 square feet, which is a substantial improvement to the development. Therefore, with the existing landscaping and the new proposed landscaping, the total landscaping provided on-site will be approximately 3,249 square feet.

Signage:

The applicant is not proposing to modify or add to the existing signage. Any un-permitted signs shall be legalized or removed, under separate sign permits.

CONDITIONAL USE PERMIT:

As previously mentioned in this staff report, the prior service station use ceased operation and converted to a nonconforming auto repair use. Code allows a

nonconforming use to continue indefinitely provided that it was established legally and provided that there is no expansion or intensification of the use, or to the building in which the use is operating, so as to increase the degree of nonconformity. Staff has determined that the applicant's proposal to construct the new addition to the existing building is an expansion and intensification of the existing nonconforming auto repair use. The nonconforming "auto repair" use may not be expanded because this type of use is not a permitted use in the C-1 zone; these types of auto repair uses are permitted in other zones such as C-2 (Community Commercial) and C-3 (Heavy Commercial).

However, as part of this application, the applicant submitted a business plan, which provides details on the business activities that will take place on-site. As stated by the applicant, the business' primary operation will be a SMOG testing facility for motor vehicles. Additional business activities will include services such as tune-ups. All business activities will meet the City's definition of a "minor auto maintenance" use, which means a facility that provides "simple auto maintenance such as smog tests, oil changes, or tune-ups. It does not allow for the installation of tires, brakes, or paint and bodywork." Nor does it allow the intense operation of an "auto repair" use. The business will be limited to and shall function as a minor auto maintenance use. The business plan notes that "major repairs" (i.e., bodywork, conversion, installation of parts, modification, painting, repair, upholstery, engine overhaul, and transmission repair) will be referred to other locations that are permitted to provide such auto repair services.

A minor auto maintenance use in the C-1 (Neighborhood Commercial) zone requires a Conditional Use Permit. Therefore, the applicant is requesting Conditional Use Permit approval to operate the minor auto maintenance use. By requesting Site Plan approval for the building expansion and this Conditional Use Permit for a "minor auto maintenance" use, the applicant is voluntarily giving up its rights to conduct "auto repair" on the site.

Staff has reviewed the subject request and is in support of the proposal, subject to the recommended Conditions of Approval.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014, subject to the recommended Conditions of Approval.



KARL HILL
Planning Services Manager

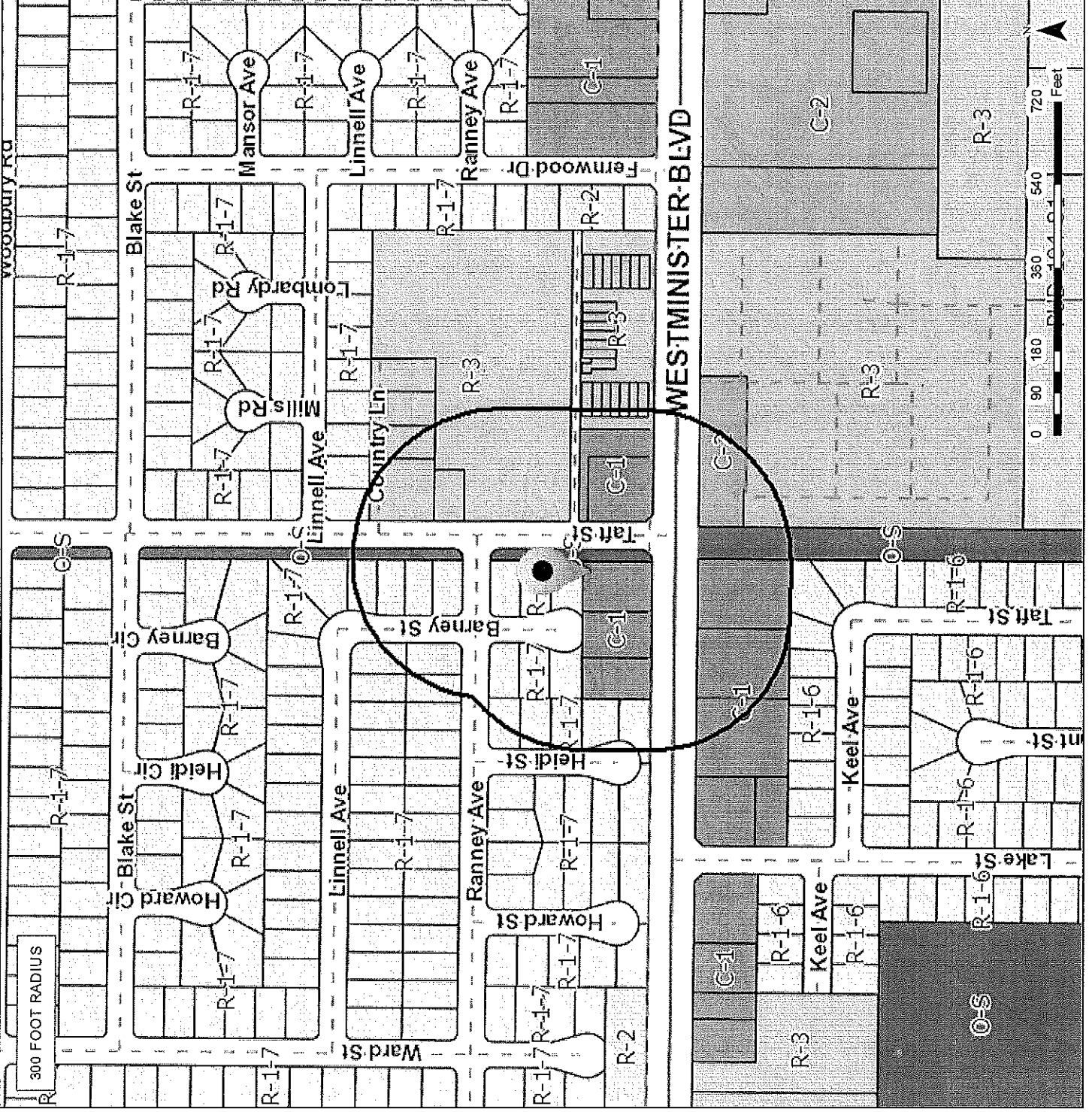


By: Chris Chung
Associate Planner

10721 WESTMINSTER AVENUE

CITY OF GARDEN GROVE, CA

City Labels	Zoning Labels	BCSP-BCC	C-1	C-1(T)	C-2	C-3	CCSP-CCR	CCSP-CCT	CCSP-COS	CCSP-GPF	CCSP-CR	CCSP-DC	CCSP-OP	CCSP-PR	HCSP-DC	HCSP-OP	HCSP-SDS	HCSP-TCB	HCSP-TZN	HCSP-TZS	HCSP-TZW	M-1	M-P	OP	OS	PUD(C)	PUD(C-R)	PUD(I)	PUD(M)
PUD(O)	PUD(R-1)	PUD(R-2)	PUD(R-3)	PUD(RF)	PUD(UR)	R-1	R-2	R-3	R-3(T)	RR	TC	ADAPTIVE REUSE	CC_1	CC_2	CC_3	CC_OS	GGMU1	GGMU2	GGMU3	NEIGHBORH... MIXED USE	Parcels	Freeway	Major Street	Streets(cente...	GG City Boundary	Parks	Schools		



CHO LON AUTO CENTER

10721 WESTMINSTER AVE. GARDEN GROVE, CA 92843

BUILDING/CODE DESCRIPTION	TYPE OF CONSTRUCTION	TYPE OF OCCUPANCY
	11A (NONE-FIRE SPRINKLED)	S-1
<p>5. ALL WORK SHALL COMPLY WITH THE CURRENT CALIFORNIA BUILDING CODES. THE CODES IN EFFECT ARE:</p>		
2010 CALIFORNIA BUILDING CODE		
2010 CALIFORNIA MECHANICAL CODE		
2010 CALIFORNIA ELECTRICAL CODE		
2008 CALIFORNIA ENERGY CONSERVATION EFFICIENCY STANDARDS		

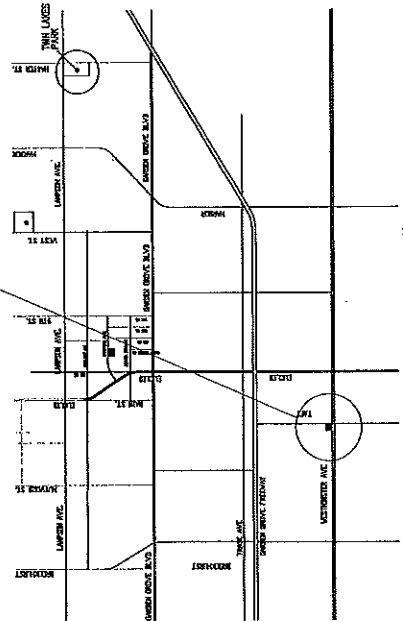
PROJECT DATA

OWNER NAME :	TOMMY DO
ADDRESS :	10721 WESTMINSTER AVE. GARDEN GROVE, CA 92843 - (714) 507-0081
CONTACT PHONE :	IRVING PHAM (714) 495-0055
LEGAL DESCRIPTION :	PROPOSED BUILDING :
LOT : 17	(E) AUTO REPAIR : 750 S.F.
TRACT : 10	(E) STORAGE : 257 S.F.
PARCEL NUMBER : 08523447	(E) OFFICE : 250 S.F.
ZONING : C-1	(O) ADDITION (AUTO REPAIR) : 1000 S.F.
	(O) ADDITION (OFFICE) : 375 S.F.
	TOTAL FOOTPRINT AREA : 2821 S.F.
	LOT SIZE : 16523 S.F.
	LOT COVERAGE : 16.97%

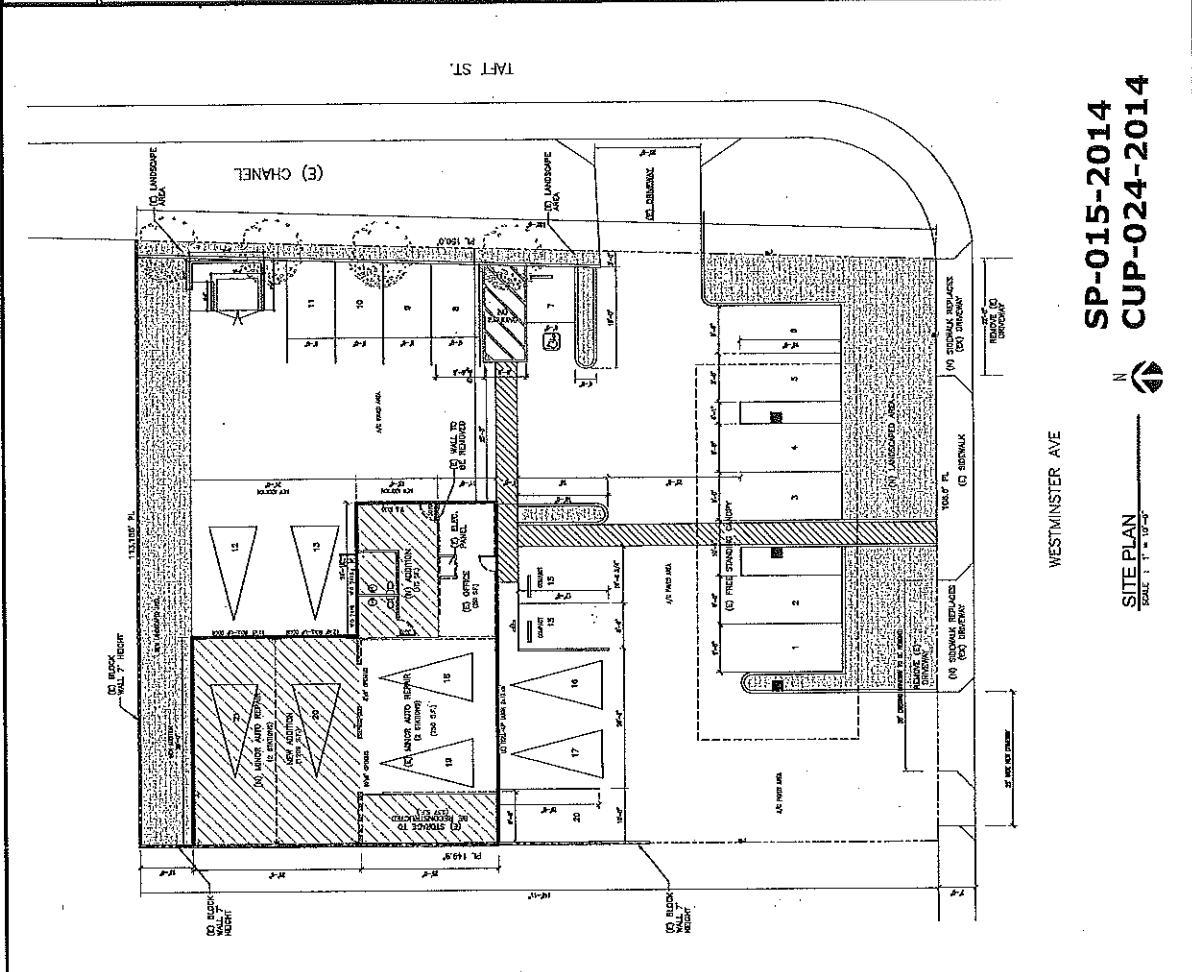
PARKING CALCULATIONS:

SERVICE BAYS 4 X 3 = 12	12
OFFICE SPACE + OTHER	3
802/203 = 4.31 =	5
TOTAL	17
PROVIDED	22
SURPLUS	5

CHO LON AUTO CENTER
10721 WESTMINSTER AVE. GARDEN GROVE, 92843



VICINITY MAP

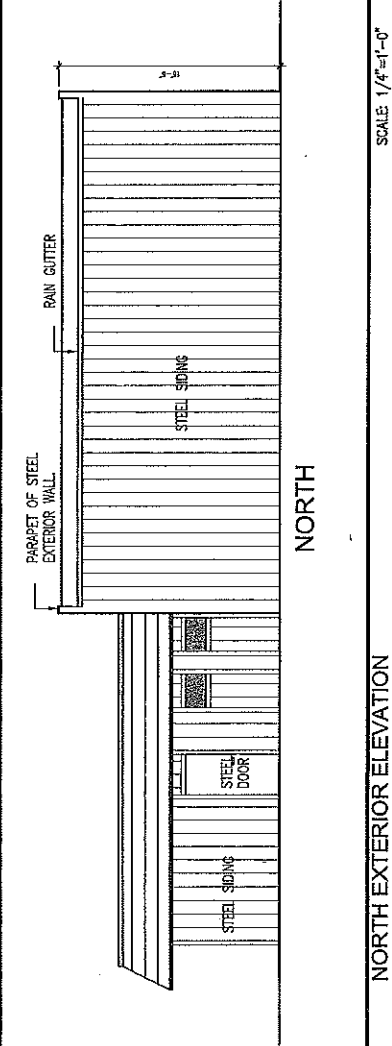
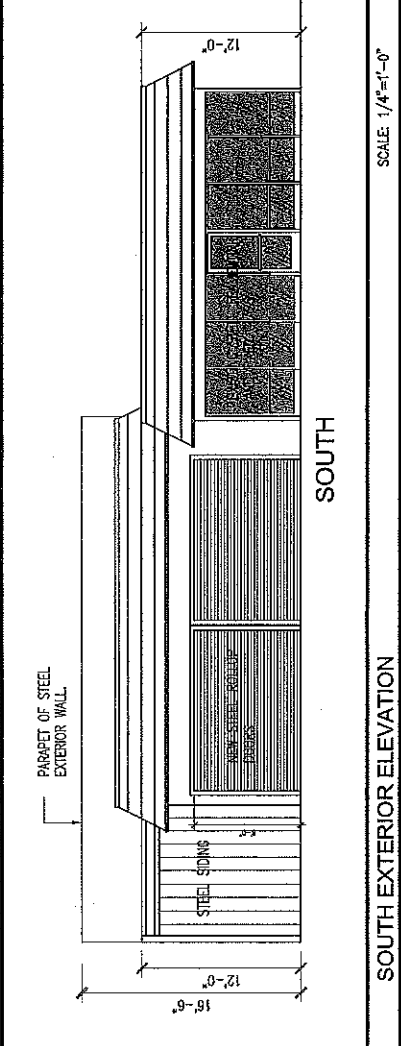
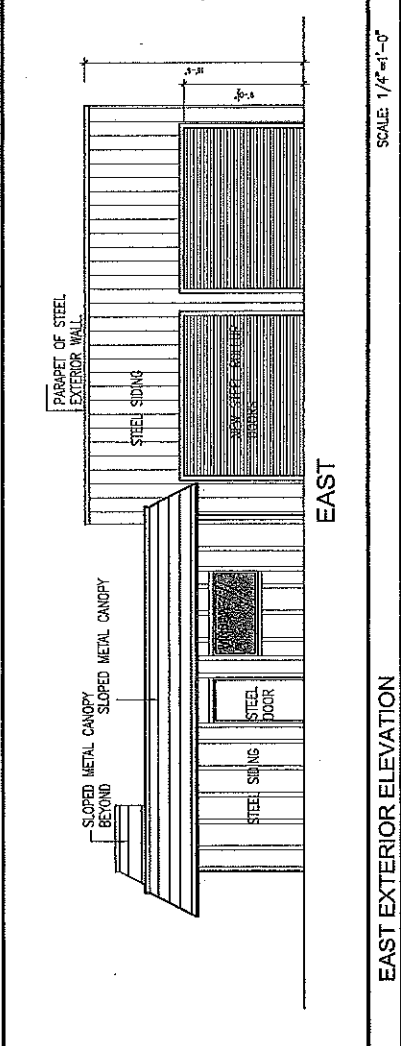


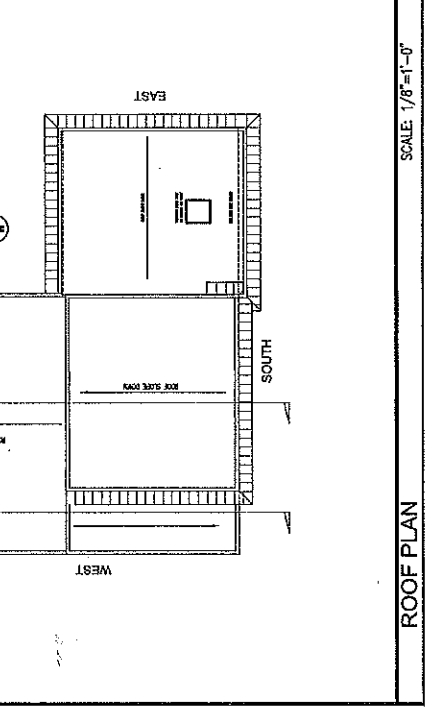
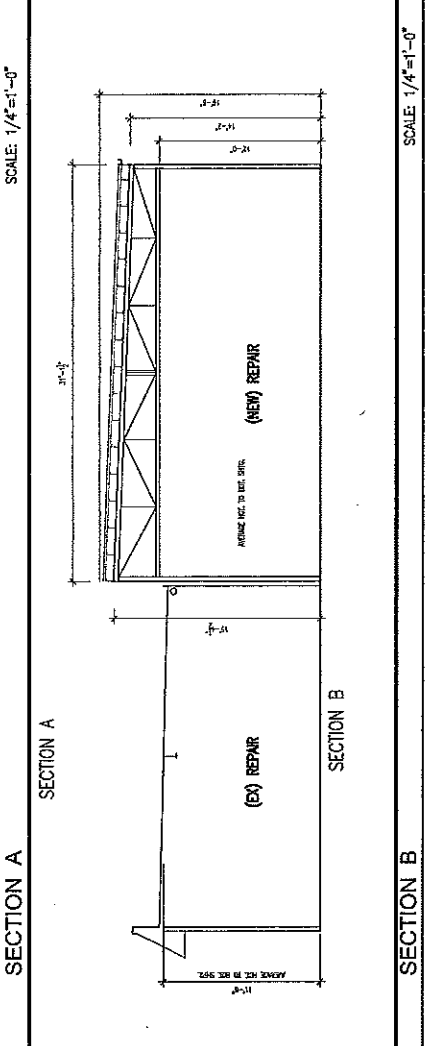
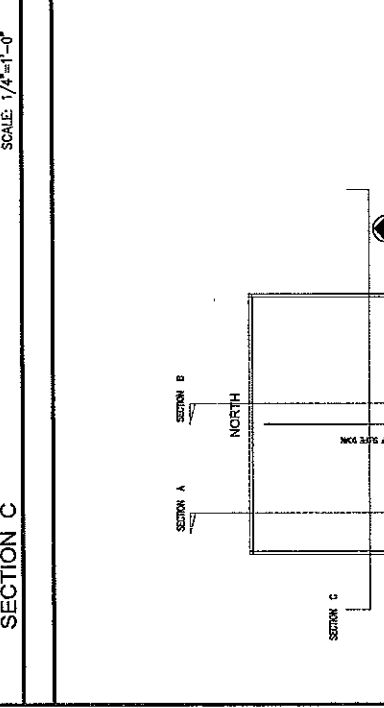
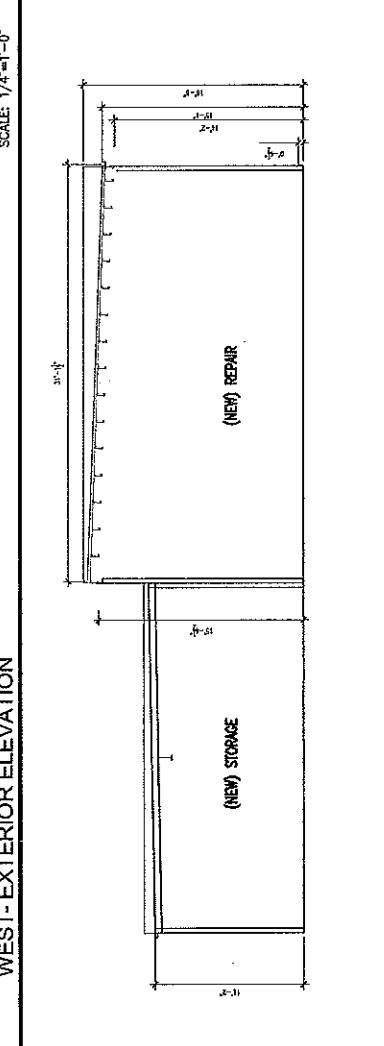
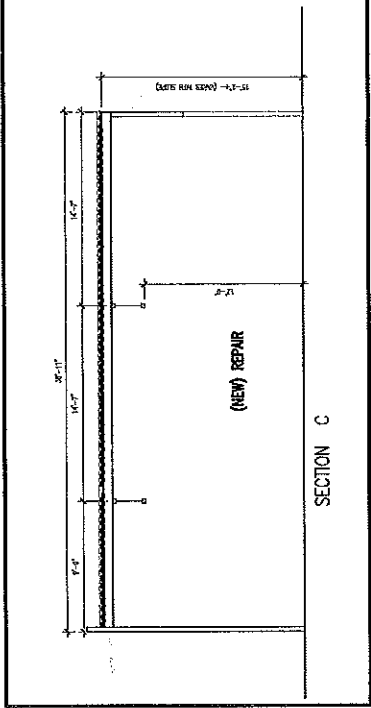
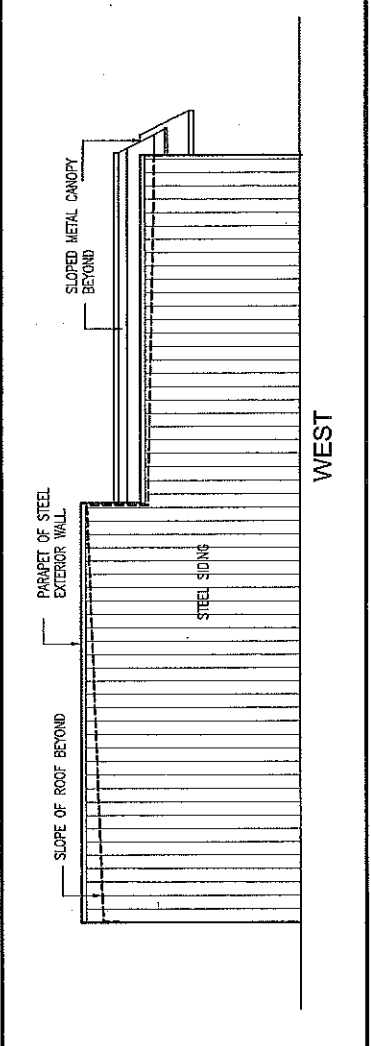
SP-015-2014
CUP-024-2014

SITE PLAN
DATE: 7-1-2014

WESTMINSTER AVE

TAFT ST.





RESOLUTION NO. 5834-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-015-2014 AND CONDITIONAL USE PERMIT NO. CUP-024-2014, FOR A PROPERTY LOCATED ON THE NORTHWEST CORNER OF WESTMINSTER AVENUE AND TAFT STREET, AT 10721 WESTMINSTER AVENUE, PARCEL NO. 099-504-47.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 16, 2014, approves Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Victor Perez.
2. The applicant is requesting Site Plan approval to allow the construction of a new 1,584 square foot addition to an existing 1,237 square foot one-story building, which is currently in operation as a nonconforming auto repair business on a site consisting of approximately 17,750 square feet. The proposed addition will include additional office area and service bays. Also, because the expansion will result in an intensification of the existing nonconforming auto repair use, which is not a permitted use in the C-1 (Neighborhood Commercial) zone, the applicant is requesting Conditional Use Permit approval to operate a minor auto maintenance use, instead.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15301 (Existing Facilities) (14 Cal. Code Regs., Section 15301(e)(2)(A & B)).
4. The property has a General Plan Land Use designation of Light Commercial, and is currently zoned C-1 (Neighborhood Commercial). The subject property is currently improved with an existing one-story building.
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 October 16, 2014, 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 October 16, 2014, and

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

FACTS:

The subject property is approximately 16,306 square feet in area and is described as "Parcel 1" in the legal description. The abutting property to the east is an Orange County Flood Control District Channel (the "channel") where the southwesterly portion of the property is described as "Parcel 2" in the legal description. "Parcel 2" is an easement, at this southeasterly corner of the development, set aside for ingress and egress over and across the right to cover the subject channel and is improved with an existing driveway for vehicular access. The total lot area, including both "Parcel 1" and "Parcel 2" is approximately 17,750 square feet.

The subject property is zoned C-1 (Neighborhood Commercial) and has a General Plan Land Use Designation of Light Commercial. The adjacent easement portion of the channel property is zoned O-S (Open Space) and has a General Plan Land Use Designation of Open Space. The subject development is adjacent to C-1 zoned properties to the east, across Taft Street, and to the south, across Westminster Avenue, and immediately to the west of the site, and R-1 (Single-Family Residential) zoned properties to the north.

The subject property is currently improved with an existing one-story building, which is in operation as a nonconforming auto repair business. Upon prior inspections of the site, it was observed that auto repair and servicing was occurring on the site in a manner that classified the overall operation as auto repair as defined in the Zoning Code. An "auto repair (including paint or body work)" use "means an establishment consisting of services such as bodywork, conversion, installation of parts, modification, painting, repair, upholstery, engine overhaul, and transmission repair for automobiles. Operations not permitted include, recapping or retreading of tires. The repair of buses or trucks is considered 'Bus/Truck Repair'."

The applicant is proposing to construct a one-story addition to the existing building, and has requested approval to operate a minor auto maintenance establishment, which has prompted the necessity to approve a new Site Plan and Conditional Use Permit.

The subject property was originally developed and used as a service station. This existing service station closed its business in February of 1974. The Garden Grove Municipal Code requires the approval of a new Conditional Use Permit to reopen a service station that has been closed for a period of ninety days or longer. In 1977, the City of Garden Grove approved Conditional Use Permit No. CUP-143-77, to allow the applicant to reopen the existing service station.

Also, the Municipal Code requires the approval of a new Site Plan when there is a proposal for "Any new building or structure, or any addition to an existing structure

or building that exceeds ten percent of the existing floor area, or one thousand square feet, whichever is less."

The existing service station ceased the sales of motor fuels but continued the auto repair business. In 1998, a building permit was issued to remove the underground fuel tanks. The existing 1,237 square foot building and the existing canopy has remained.

FINDINGS AND REASONS:

SITE PLAN:

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

The project has a General Plan land use designation of Light Commercial, and is zoned C-1 (Neighborhood Commercial). The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances. The proposed project is consistent with the General Plan Land Use Designation. The applicant is proposing to conduct minor auto maintenance on the site and within the expanded building, and the zoning of the property permits a minor auto maintenance use subject to a Conditional Use Permit. The placements of the structures, the site design, the parking lot layout, the number of on-site parking spaces, and the landscape areas are consistent with the spirit and intent of the requirements of the Municipal Code.

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

The proposed new building addition does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access. The plans have been reviewed by the City's Traffic Engineering Division and it has been determined that the project will have no adverse impacts to surrounding streets. The site provides sufficient parking to accommodate the proposed authorized uses, the building expansion, the vehicles, employees, and customers. The project has been designed to provide a drive aisle and parking layout that enables customers to maneuver effectively through the site.

Furthermore, the City's Fire Department has also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets.

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

The streets in the area will be adequate to accommodate the development, along with the new addition, once the developer provides the necessary improvements for the project. The proposed new building addition will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels. Utilities and drainage channels in the area are adequate to accommodate the development.

The proposed development will also provide landscaping and proper grading of the site in order to maintain proper drainage in the area. The Public Works Engineering and Water Services Division have reviewed the plans.

4. The project will not adversely impact the City's ability to perform its required public works functions.

The project has been reviewed by the Public Works Department. There were no issues raised by the project. Therefore, the project will not adversely impact the City's ability to perform its required public works functions.

5. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The project is located in an area with a mix of C-1 (Neighborhood Commercial) type uses. The proposed project is consistent with the surrounding area and compatible with the existing uses on the property. The design of the proposed building addition will ensure a reasonable degree of compatibility with adjacent developments.

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

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment. The project includes a total of approximately 3,249 square feet of landscaping, which is a substantial improvement and increase from the previous total of just 260 square feet of landscaping. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

CONDITIONAL USE PERMIT:

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

The proposed expansion of the existing building and the operation of the minor auto maintenance use will be consistent with the General Plan Land Use Designation of the property, which is Light Commercial, provided that the project complies with all conditions of approval.

2. That the requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area.

The proposed expansion of the existing building and the operation of the minor auto maintenance use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval for the project are adhered to for the life of the project, the use will be harmonious with persons who work and live in the area.

3. The proposed use will not interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

The proposed expansion of the existing building and the operation of the minor auto maintenance use will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located within the vicinity of the site, provided that the conditions of approval are adhered to for the life of the project.

4. The proposed use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The proposed expansion of the existing building and the operation of the minor auto maintenance use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare, provided that the conditions of approval are adhered to for the life of the project.

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

The approved project only includes an expansion of the existing building and the operation of the minor auto maintenance use. The existing building, including the proposed additional building area, is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features, in order to continue integration of the minor auto maintenance use with the uses in the surrounding area.

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

The approved project only includes an expansion of the existing building and the operation of the minor auto maintenance use. The existing site, along with the site improvements, is adequately served by highways and streets.

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. The Site Plan and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
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-015-2014 and Conditional Use Permit No. CUP-024-2014.

EXHIBIT "A"

Site Plan No. SP-015-2014 Conditional Use Permit No. CUP-024-2014

10721 Westminster Avenue

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Victor Perez, the developer of the project, the 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-015-2014 and Conditional Use Permit No. CUP-024-2014.
3. 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. Approval of Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014 only authorizes improvement of the existing site and structure and use of the site for operation of a "minor auto maintenance" use pursuant to the plans and elevations presented to the Planning Commission and these Conditions of Approval.
4. Minor modifications to the Site Plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the project, approved site plan, floor plan, and/or these Conditions of Approval determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

6. 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 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 also make recommendations for pavement design of the interior drive aisle and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including soil compaction, saturation, permeability and groundwater levels.
7. A separate street permit is required for work performed within the public right-of-way.
8. Grading and street improvement plans prepared by a registered Civil Engineer are required. The plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces. The grading plan shall also include water and sewer improvements. All fees collected at the time of permit issuance shall be based on the fee schedule in effect at that time.
9. The applicant shall be subject to Traffic Mitigation Fees in accordance with Chapter 9.44 of the Garden Grove Municipal Code.
10. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan (WQMP) that:
 - a. Addresses Site Design BMPs such as 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 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.
11. Prior to grading or building permit closeout and/or the issuance of a certificate of use or 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.
12. All trash container areas shall meet the following requirements:
- a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
 - b. Provide solid roof or awning to prevent direct precipitation;
 - c. Connection of trash area drains to the municipal storm drain system is prohibited;
 - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
 - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information;
 - f. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures;
 - g. Trash storage enclosures shall be constructed in accordance with City of Garden Grove Standard Plan B-502.

13. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B.
14. The most easterly driveway entrance on Westminster Avenue shall be removed and curb and gutter and sidewalk shall be reconstructed in accordance with City Standard B-113 (Type C-8) and B-106. The remaining driveway approach on Westminster shall be removed and new approach shall be constructed in accordance with City Standard Plan B-120.
15. Proposed parking stalls shall be properly dimensioned on a revised site plan and submitted to the City Traffic Engineer for approval.

Community Development Department

16. 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. The property owner shall maintain a total of twenty-two (22) parking spaces, as shown on the submitted site plan for SP-015-2014 and CUP-024-2014. There shall be no additional changes in the design of the site plan or floor plan without the approval of the Community Development Director. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project/approved use or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
17. The business shall only be permitted to operate as a "minor auto maintenance" use, as defined in the Municipal Code. As a condition of City's approval of this Site Plan and Conditional Use Permit, the more intense legal nonconforming "auto repair" use existing on the site shall no longer be permitted and the Applicant shall have been deemed to have voluntarily relinquished any and all rights to operate an "auto repair" use on the site by requesting approval of this Site Plan and Conditional Use Permit.
18. The existing free-standing canopy shall be removed.
19. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee.
20. The site shall be well maintained and orderly. There shall be no accumulation of debris, auto parts, or inoperable vehicles stored on-site. There shall be no long-term storage of vehicles or equipment in the parking areas.

21. All materials, including oil and solvents shall be properly stored and disposed of per the U.F.C. and C.B.C.
22. All minor auto maintenance work shall occur within an enclosed building, and there shall be no auto servicing or other activities outside of the enclosed building or in the parking areas.
23. Proper light and ventilation shall be provided within the minor auto maintenance building.
24. Graffiti shall be removed, from the premises and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification.
25. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
26. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
27. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows or on exterior of the building.
28. All signs shall comply with Title 9 of the Municipal Code.
29. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
 - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work the same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
30. 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.

31. The property owner shall comply with the adopted City Noise Ordinance.
32. As a part of the finalized working drawings for Planning Division, Engineering Division and Building Plan Check, the developer shall submit a detailed and dimensioned plot plan, floor plans, exterior elevations, and landscape plans that reflect the above conditions of approval. The plans shall indicate landscape materials, wall materials and building materials proposed for the project.
33. 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 Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or ground lighting system. Lighting in the common and parking areas 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.
34. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department, Planning Division, for review and approval prior to submittal of plans for Building 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 Development Department, Planning Division.
 - b. No roof or wall mounted mechanical equipment shall be permitted unless the Planning Division Services approves a method of screening complementary to the architecture of the building, prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, including the surrounding properties.
35. The applicant shall submit a complete landscape plan governing the entire development for review and approval by the Community Development Department prior to building permit issuance. The landscaping plan shall be in substantial conformance with the proposed landscaping shown on the submitted site plan for this project. 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. 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.
36. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.
 37. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property, unless properly screened.
 38. 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.
 39. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
 40. The applicant shall work with planning staff to ensure that the proposed building colors are appropriate, and not overly bright. The applicant shall submit the actual chip samples of the proposed paint colors to the Planning Division for review and approval.

41. In the event problems arise where the hours of operation need to be reduced in order to minimize problems, the operator shall change the hours of operation as prescribed by the City.
42. A copy of the resolution including the conditions approving Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014 shall be kept on the premises at all times.
43. The Conditional Use Permit may be called for review by City staff, the City Council, Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
44. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014, and his/her agreement with all conditions of the approval.
45. The Conditional Use Permit shall be reviewed one year from the date of this approval, and every three (3) years thereafter in order to determine if the business is operating in compliance.
46. 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 Site Plan No. SP-015-2014 and Conditional Use Permit No. CUP-024-2014. 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.
47. Access aisle for the van accessible handicap parking space(s) shall be located on the passenger side of the parking space.
48. Building must comply with the California Building Standards Code, 2013 edition.

49. Upon approval and implementation of the proposed entitlements, SP-015-2014 and CUP-024-2014 shall constitute the governing provisions on the subject site and prior entitlements shall become null and void.