

RESOLUTION NO. 5933-2018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-140-2018 FOR PROPERTIES LOCATED AT 12101 AND 12111 VALLEY VIEW STREET, ASSESSOR'S PARCEL NOS. 224-202-15 AND 224-202-16.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on October 18, 2018, hereby approves Conditional Use Permit No. CUP-140-2018 for properties located on the west side of Valley View Street, south of Chapman Avenue at 12101 and 12111 Valley View Street, Assessor's Parcel Nos. 224-202-15 and 224-202-16, respectively.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-140-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Dan Akarakian for Cinemas Management, LLC.
2. The applicant is requesting Conditional Use Permit approval to allow the operation of a 4,241 square foot automatic car wash that will be constructed in conjunction with Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018, and subject to approval of Planned Unit Development No. PUD-104-73 (Rev. 2018). The uses, activities, and improvements contemplated by the proposed PUD amendment, Site Plan No. SP-057-2018, Lot Line Adjustment No. LLA-019-2018, and Conditional Use Permit No. CUP-140-2018 are collectively referred to as the "Project".
3. The proposed Project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.
4. The properties have a General Plan Land Use designation of Residential/Commercial Mixed Use 2 and are zoned Planned Unit Development No. PUD-104-73. The subject site is comprised of two parcels, with a total land area of 2.71 acres, and is currently improved with the Starlight 4 Star Cinema movie theater and a vacant 6,040 square foot restaurant. This request is being processed in conjunction with a request for approval of Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 to allow for the demolition of the existing restaurant and the construction of an automatic car wash, a drive-thru restaurant, a sit-down restaurant, and an expansion to the existing movie theater and a request for approval of Planned Unit Development No. PUD 104-73 (Rev. 2018) to amend the existing standards and conditions for Planned Unit Development No. PUD 104-73 to

facilitate the proposed redevelopment project. A Conditional Use Permit is required for the operation of the proposed automatic car wash.

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 the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 18, 2018, and all interested persons were given an opportunity to be heard.
8. Concurrently with the adoption of this Resolution, the Planning Commission adopted (a) Resolution No. 5931-18 recommending that the City Council determine that the Project is categorically exempt from CEQA and approve Planned Unit Development No. PUD-104-73 (Rev. 2018) to amend PUD-104-73 to facilitate the proposed Project; and (b) Resolution No. 5932-18 approving Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018.
9. The Planning Commission gave due and careful consideration to the matter during its meeting on October 18, 2018; 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 Sections 9.32.030 are as follows:

FACTS:

The subject properties are located on the west side of Valley View Street, south of Chapman Avenue. The properties have a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and are zoned Planned Unit Development (PUD) No. PUD-104-73. PUD-104-73 was adopted in 1973 to allow the construction of a 126-unit residential condominium (currently known as Stonegate), a 32-lane bowling alley (12141 Valley View Street), a 900 seat movie theater (12111 Valley View Street), a 7,500 square foot restaurant (12101 Valley View Street), a 3,600 square foot drive-thru restaurant (12051 Valley View Street), and a 41,850 square foot aged facility for 120 people (5900 Chapman Avenue).

The commercial portion of PUD-104-73 includes a total five (5) commercial properties: a bowling alley, formerly occupied by the AMF Bowling Alley (12141 Valley View Street), the Starlight 4 Star Cinema (12111 Valley View Street), a vacant restaurant building (12101 Valley View Street), a McDonald's drive-thru restaurant (12051 Valley View Street), and the Brookdale Senior Living facility (5900 Chapman Avenue).

The applicant is the property owner of the movie theater and the vacant restaurant building properties. The property owner intends to redevelop the movie theater and the vacant restaurant properties in an effort to revitalize the commercial center. The proposed project includes the construction of a 4,241 square foot automatic car wash, a 1,870 square foot drive-thru pad restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, along with related site improvements, and a lot line adjustment to modify existing lot lines to consolidate the two subject parcels into one.

In conjunction with the Conditional Use Permit request, the applicant is also requesting an amendment to PUD-104-73 to modify the permitted uses for the subject properties to facilitate the Project, and approval of Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 to allow the construction of the proposed buildings and movie theater expansion, and to consolidate the subject properties into one.

The proposed amendment to PUD-104-73 will allow the proposed car wash subject to approval of a Conditional Use Permit. The applicant is requesting a Conditional Use Permit to allow the operation of the proposed automatic car wash.

The applicant has indicated that the proposed car wash will be operated by Fast 5 Xpress Car Wash. Fast 5 Xpress has existing car wash facilities located in the counties of Los Angeles, Orange, and San Bernardino. The automatic car wash is 4,241 square foot in size, and will consist of twenty (20) vacuum stations. The proposed automatic car wash will operate from 7:00 a.m. to 8:00 p.m., seven days a week.

FINDINGS AND REASONS:

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

The properties have a land use designation of Residential/Commercial Mixed Use 2 and are zoned Planned Unit Development No. PUD-104-73. The Residential/ Commercial Mixed Use 2 is intended to provide a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. PUD-104-73 was adopted in 1973 to allow for the construction of a 126-unit residential condominium, bowling alley, a movie theater, a sit-down restaurant, a drive-thru restaurant, and an aged facility. Currently, the commercial portion of PUD-104-72 is improved with a bowling alley (12141 Valley View Street), the Starlight 4 Star Cinema movie theater (12111 Valley View Street), a vacant restaurant building (12101 Valley View Street), a McDonald's drive-thru restaurant (12051 Valley View Street), and the Brookdale Senior Living facility (5900 Chapman Avenue).

The General Plan describes a Planned Unit Development as a precise plan that provide the means for the regulations of buildings, structures, and uses of land to facilitate the implementation of the General Plan. The regulations of the PUD are intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code. The proposal complies with the spirit and intent of the General Plan that establishes that a PUD is intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code.

Goal LU-6.1 of the General Plan encourages the revitalization of aging, underused or deteriorated commercial centers; Policy LU-6.2 encourages a mix of retail shops and services to better meet the needs of the area's present and potential clientele; Policy LU-6.4 encourages the City to work with property owners to revitalize deteriorated centers; Policy LU-6.6 encourages appropriate signage in commercial centers; and LU-IMP-6C encourages façade renovations, enhanced parking area landscaping, and improved lighting.

The proposed amendment to PUD-104-73, which is being processed with this request, will allow the proposed automatic car wash, subject to approval of a Conditional Use Permit. The proposed project will assist with revitalizing the commercial center and as well as introduce new commercial uses that will serve the surrounding neighborhood. The proposed construction and site improvements will be compatible and integrated with the existing commercial center.

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

The proposed automatic car wash use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The car wash will provide a service to local residents, and will be consistent with other car washes located in the immediate area. Currently, there are two (2) smaller car wash facilities at two (2) existing service stations located to the north of the project site, at the intersections of Valley View Street and Chapman Avenue. The proposed automatic car wash is a larger facility with vacuum stations that can serve a larger number of customers.

The operator of the proposed automatic car wash prepared a Noise Study to evaluate the car wash's potential noise levels in order to determine if the

noise levels were consistent with the City's Noise Ordinance. The study monitored noise levels as similar express car washes, including evaluating the noise from idling car wash vehicles, and noise from the car wash's compressed air nozzles, the dryer system, and the vacuum equipment. The study determined that the noise levels of the proposed car wash would not exceed the City's adopted noise levels. The study also evaluated the noise levels to the adjacent residential condominium development and to the McDonald's restaurant drive-thru order intercom system. The study determined that the hours of operation for the car wash, 7:00 a.m. to 8:00 p.m., seven days a week, would assist with maintaining the noise level below the City's adopted level and thereby not affect the adjacent residential condominium development, and the noise from the car wash would not interfere with the drive-thru intercom system.

Provided the conditions of approval are adhered to for the life of the project, the automatic car wash use will be harmonious with the persons who work and live in the area.

The automatic car wash use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site. The proposed development will be similar to the existing uses in the PUD, and also existing commercial uses in the vicinity, include two (2) existing car washes located just north of the site at two (2) existing service stations. The project has been designed to comply with the development standards for the zone. Provided that the project adheres to the conditions of approval the project will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site.

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

The overall project site is 2.71-acres and is sufficient in size to accommodate the proposed car wash and site improvements. The car wash will have adequate vehicle queuing within the drive-thru lane, and will provide a total of twenty (20) vacuum stations. Other site improvements to accommodate the proposed project include new landscaping planters, reconfiguration of existing drive aisles and parking spaces.

4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of

traffic such as to be generated, and by other public or private service facilities as required.

The site is adequately served by existing public streets. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND 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 proposed Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-140-2018.
3. The car wash shall also be subject to the conditions of approval as adopted by Planning Commission Resolution No. 5932-18 for Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018.
4. This approval of Conditional Use Permit No. CUP-140-2018, shall be contingent upon the adoption and effectiveness of an Ordinance approving Planned Unit Development No. PUD-104-73 (Rev. 2018) by the Garden Grove City Council.

Adopted this 18th day of October 2018

ATTEST:

/s/ GEORGE BRIETIGAM
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on October 18, 2018, by the following vote:

AYES:	COMMISSIONERS:	(6)	BRIETIGAM, LAZENBY, LEHMAN, NGUYEN, SALAZAR, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	KANZLER

/s/ JUDITH MOORE
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is November 8, 2018.

EXHIBIT "A"

Conditional Use Permit No. CUP-140-2018

12101 and 12111 Valley View Street

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval" as prepared by the City Attorney's Office. Proof of such recordation is required prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, Dan Akarakian for Cinemas Management, Inc., the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the appropriate hearing body, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of 4,241 square foot automatic car wash. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the 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.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
6. The project shall comply with all applicable conditions of approval as specified in Exhibit "A" of Planning Commission Resolution No. 5932-18 for Site Plan No. SP-057-2018 and Lot Line Adjustment No. 019-2018.

Public Works Water Services Division

7. The car wash shall operate on a water recycling system.

Community and Economic Development Department

8. The approved site plan and floor plan are an integral part of the decision approving this Conditional Use Permit. There shall be no additional changes in the design of the site plan or floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement (s).
9. No outside display of merchandise shall be permitted at any time.
10. A prominent, permanent sign, stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES," shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the store's entrance, and shall also be visible to the public.
11. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven days a week.
12. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
13. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
14. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.

15. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
16. 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.
17. All signage shall comply with the requirements of PUD-104-73 (Rev. 2018). No roof signs shall be permitted on the building or on the freestanding metal canopy structure. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
18. The applicant shall comply with the adopted City Noise Ordinance.
19. 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. No pole mounted lights shall be allowed along the north and east property lines in order to minimize impacts to the abutting residential uses.
20. The proposed development shall comply with all applicable provisions of the Garden Grove Local Implementation Plan (LIP), including but not limited to, providing a Water Quality Management Plan (WQMP) and Section 7 addressing reducing water run-off from the site (e.g., direct roof rain gutter's downspouts to permeable areas such as landscape planters).
21. The hours of operation of the car wash shall be limited from 7:00 a.m. to 8:00 p.m., seven days a week. The applicant shall install an automatic, electric arm gate, or other device as approved by the Planning Services Division, at the entrance of the car wash drive-thru lane to prevent vehicles from accessing the car wash queuing lane during the non-operating hours. However, in the event problems arise where the hours of operation need to be reduced in order to minimize noise, the operator shall change the hours of operation as prescribed by the City.
22. During non-operating hours, the car wash vacuum station parking spaces shall be available for use by the movie theater and restaurant patrons.

23. The dryer unit on the car wash shall be fitted with a noise reduction package to reduce any potential noise problems.
24. There shall be no auto detailing or auto prep work conducted on the site at any time.
25. This Conditional Use Permit may be called for review by City Staff, the City Council, or the Planning Commission for any reason, including if noise or other complaints are filed and verified as valid by the Code Enforcement office or other city department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
26. A copy of the decision approving Conditional Use Permit No. CUP-140-2018 shall be kept on the premises at all times.
27. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-140-2018, and his/her agreement with all conditions of the approval.
28. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-140-2018 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
29. 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 Planned Unit Development No. PUD-104-73 (Rev. 2018), Site Plan No. SP-057-2018, Lot Line Adjustment No. LLA-019-2018, and/or CUP-140-2018. 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.