

RESOLUTION NO. 5982-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020), FOR A PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WESTERN AVENUE AND LAMPSON AVENUE, AT 12552 WESTERN AVENUE, ASSESSOR'S PARCEL NO. 215-032-01.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on June 18, 2020, and August 20, 2020, approved Conditional Use Permit No. CUP-339-11 (REV. 2020) for the property located on the southeast corner of Western Avenue and Lampson Avenue, at 12552 Western Avenue, Assessor's Parcel No. 215-032-01.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-339-11 (REV. 2020), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the MAP Sports Facility, with the authorization of the property owner, SDL Warner LLC.
2. A request to modify the approved plans and Conditions of Approval, under Conditional Use Permit No. CUP-339-11 (REV. 2014), for an existing indoor sports facility, MAP Sports Facility, located at 12552 Western Avenue (Assessor's Parcel No. 215-032-01), to expand the hours of operation allowing daytime weekday business hours and activities, and to expand the existing parking lot to provide additional parking spaces.
3. The applicant has requested certain modifications to the approved plans and Conditions of Approval applicable to Conditional Use Permit No. CUP-339-11 (REV. 2014) to expand the hours of operation allowing daytime weekday business hours and activities, and to expand the existing parking lot to provide additional parking spaces.
4. The City of Garden Grove has determined that this project is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.).
5. The property at 12552 Western Avenue has a General Plan Designation of Industrial/Residential Mixed Use 1 and is within the M-P (Industrial Park) zone. The property is currently divided into two areas, which are divided by a chain link fence. The approximately four (4) acre MAP Sports Facility ("MAP") site at the northwest corner of the property is improved with an existing 80,000 square foot warehouse building (12552 Western Avenue) that is utilized by MAP and currently in operation as an indoor sports facility. The remaining portion of the site, which wraps around the easterly and southerly part of the property, is improved with a parking lot area and a 20,001 square foot one-story industrial

warehouse building, fronting Western Avenue, which is currently in operation as an apparel distribution warehouse.

6. Existing land use, zoning, and General Plan Land Use designation of the areas included in this Conditional Use Permit and in their vicinity have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on June 18, 2020, and August 20, 2020, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meetings of June 18, 2020, and August 20, 2020; 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 applicant is requesting approval to modify the approved plans and Conditions of Approval, under Conditional Use Permit No. CUP-339-11 (REV. 2014), for an existing indoor sports facility, MAP Sports Facility, located at 12552 Western Avenue (Assessor's Parcel No. 215-032-01), to expand the hours of operation allowing daytime weekday business hours and activities and to expand the existing parking lot to provide additional parking spaces.

The subject site is an existing approximately six (6) acre site located on the southeast corner of the intersection of Western Avenue and Lampson Avenue. The subject site abuts industrial type uses in all directions. The zoning of the subject site is M-P (Industrial Park) and the Land Use Designation is Industrial/Residential Mixed Use 1. The property is currently divided into two areas, which are divided by a chain link fence. The approximately four (4) acre MAP Sports Facility ("MAP") site at the northwest corner of the property is improved with an existing 80,000 square foot warehouse building (12552 Western Avenue) that is utilized by MAP and currently in operation as an indoor sports facility. The remaining portion of the site, which wraps around the easterly and southerly part of the property, is improved with a parking lot area and a 20,001 square foot one-story industrial warehouse building, fronting Western Avenue, which is currently in operation as an apparel distribution warehouse.

In 2011, the City of Garden Grove approved Amendment No. A-162-11 and Conditional Use Permit No. CUP-339-11 to allow a Code Amendment to Title 9 of the City of Garden Grove Municipal Code to allow "indoor sports facility" uses in the M-P (Industrial Park) zone subject to a Conditional Use Permit, and approved a Conditional Use Permit for the MAP Sports Facility (MAP) at 12552 Western Avenue (for operation within the 80,000 square foot warehouse building). According to business license records, the MAP Sports Facility has been in operation since 2012.

In 2014, the City of Garden Grove approved Conditional Use Permit No. CUP-339-11 (REV. 2014) to allow modifications to the approved plans and the Conditions of Approval under Conditional Use Permit No. CUP-339-11, to update the business operational conditions relating to, but not limited to, parking space requirements, building code compliance, and maximum building occupancy. The City concurrently approved Amendment No. A-009-2014, amending Title 9 of the Garden Grove Municipal Code, Section 9.16.020.030, to permit "Parking Facilities (For Fee)" in the M-P (Industrial Park) zone, subject to a Conditional Use Permit. Amendment No. A-009-2014 was processed by the City of Garden Grove in coordination with the proposed modifications to the Conditions of Approval for MAP (under Conditional Use Permit No. CUP-339-11 (REV. 2014)), which implicitly authorized MAP to charge its patrons for parking. Notably, the approval of CUP-339-11 (REV. 2014) accomplished the following items including, but not limited to: (i) completion of various building improvements to increase the maximum occupancy (the maximum number of persons allowed in the building) per the California Building Standards Code from 294 occupants to a new maximum of 516 occupants; (ii) in order to accommodate the increase in maximum occupancy for the building, re-striping of the existing parking lot to increase the number of parking spaces available on-site from 170 parking spaces to 191 parking spaces (increase of 21 parking spaces); (iii) to further support the accommodation of the increased maximum occupancy for the building, establishing and implementing a carpool incentive program, the "Green MAP Plan", which allows up to forty-five (45) vehicles carpooling with four (4) or more occupants per vehicle to park on-site for free; and (iv) interior tenant improvements to add a snack and merchandise shop within the indoor sports facility.

The MAP Sports Facility ("MAP") is an indoor sports facility where the primary sports played are basketball and volleyball. The applicant is requesting to modify the Conditions of Approval, under Conditional Use Permit No. CUP-339-11 (REV. 2014), to expand the hours of operation allowing daytime weekday business hours and activities. The proposed hours of operation will be from 8:00 a.m. to 11:00 p.m., seven (7) days a week, and Condition No. 8 would be modified to reflect this change. Proposed weekday daytime activities will include youth summer camps, senior pickleball league, and typical school-aged team scrimmages, organized instruction, and practices. The applicant submitted a parking demand study produced and conducted by K2 Traffic Engineering, Inc. ("K2"), a professional firm with California licensed traffic engineers who provide traffic engineering and civil engineering design and consulting services. The K2 parking demand study was prepared in order to address projected parking demand and any potential impacts from the new weekday daytime hours of operation and activities.

MAP intends to host youth summer camps of basketball and volleyball sports with up to a maximum of 300 participants between 6 and 18 years of age. Additionally, the MAP plans to introduce adult pickleball league play to take place during off-peak weekday daytime hours between the hours of 9:00 a.m. to 4:00 p.m. The MAP proposes to expand its free carpool incentive program by adding 20 carpool spaces for a new total of 65 carpool spaces, as part of the "Green MAP Plan". The applicant is also proposing to introduce and utilize an overflow parking area, which is

currently an existing parking lot area on the eastern portion of the property separated by a fence and sliding gates. During any peak times and events, as necessary, the MAP will provide open access and use of this overflow lot, which provides an additional 78 parking spaces. The new proposed total of 269 parking spaces would represent a surplus of 113 parking spaces.

On June 18, 2020, the Planning Commission considered Conditional Use Permit No. CUP-339-11 (REV. 2020). In response to issues raised in public comments received by the City of Garden Grove prior to the June 18, 2020 Planning Commission meeting, the applicant prepared a Parking Management Plan ("PMP") to establish and implement mitigation measures to minimize potential on- and off-site impacts to surrounding properties. The PMP will be implemented during any high/peak demand periods, as necessary, and to ensure the operation does not cause a nuisance, hindrance, and/or problem with either on-site and/or off-site parking and/or circulation.

It was noted to the Planning Commission, that the Community and Economic Development Department, including the Traffic Engineering Division, have reviewed the Parking Management Plan submitted by the applicant and are supportive of the mitigation plan. Conditions of Approval have been incorporated into the Conditional Use Permit requiring implementation of the PMP. Out of abundance of caution, it should be noted, Condition No. 12 will continue to require that additional/new mitigation, as necessary, will be required, as part of a new or modified Parking Management Plan, subject to review and approval by the City, should any new issues arise in the future. All existing conditions of approval, as approved under CUP-339-11 (REV. 2014), along with any modified or new conditions of approval, as approved under CUP-339-11 (REV. 2020), will apply.

After careful consideration, the Planning Commission continued the item to the August 20, 2020 Planning Commission meeting, with the public hearing left open, to allow the applicant time to conduct a neighborhood meeting to garner feedback from nearby property owners and tenants. One letter of concern was submitted by Royden Fujimori of CC&R, and two (2) letters of concern were submitted by Spencer Hurtt of Container Supply Company ("CSC"). Two (2) letters in response to the public comments received were submitted by the applicant.

On August 5, 2020, the applicant held a neighborhood meeting at the MAP Sports Facility ("MAP"). Public notices were duly mailed prior to the neighborhood meeting to all property owners and tenants within a 300 radius of the subject property. The neighborhood meeting was held by the applicant to present the project details, to garner feedback from the attendees, and to answer any questions about the proposed project. One (1) person from the public (a representative of the Container Supply Company) was in attendance for the meeting. Questions and concerns raised by the attendee included, but were not limited to: potential liability exposure from MAP patrons crossing the Western Avenue street to, from, and/or near the Container Supply Company site; and vehicular stacking issues on Western Avenue after the project is approved.

FINDINGS AND REASONS:

Conditional Use Permit:

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

The proposed modifications to the approved plans and the Conditions of Approval for the existing indoor sports facility, MAP Sports Facility, approved under Conditional Use Permit No. CUP-339-11 (REV. 2014), will be consistent with the General Plan Land Use Designation of the property, which is Industrial/Residential Mixed Use 1, provided that the project complies with all conditions of approval, including effective implementation of the Parking Management Plan ("PMP") approved under CUP-339-11 (REV. 2020).

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 modifications to the approved plans and the Conditions of Approval for the existing indoor sports facility, MAP Sports Facility, approved under Conditional Use Permit No. CUP-339-11 (REV. 2014), will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area. The applicant's proposal includes an expansion of its carpool incentive program by increasing the number of carpool parking spaces from 45 to 65, to further promote carpooling and reduce parking demand. In addition, the applicant is also proposing to introduce and utilize an overflow parking area, which is currently an existing parking lot area on the eastern portion of the property separated by a fence and sliding gates. During any peak times and events, as necessary, the MAP will provide open access and use of this overflow lot, which provides an additional 78 parking spaces. Upon project completion, the MAP Sports Facility will provide 269 parking spaces, which is comprised of seven (7) ADA handicap accessible spaces, 184 standard spaces, and 78 overflow spaces. Under the original approval of Conditional Use Permit No. CUP-339-11, it was determined that a minimum of 156 parking spaces were required for the MAP – a parking rate of 2.43 parking spaces per 1,000 square feet. The new proposed total of 269 parking spaces would represent a surplus of 113 parking spaces. The additional overflow parking lot, along with the expanded carpool incentive program, will mitigate any potential on- and off-site parking issues. The conditions of approval, including effective implementation of the Parking Management Plan ("PMP") approved under CUP-339-11 (REV. 2020), 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 modifications to the approved plans and the Conditions of Approval for the existing indoor sports facility, MAP Sports Facility, approved under Conditional Use Permit No. CUP-339-11 (REV. 2014), 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, and provided there is effective implementation of the Parking Management Plan ("PMP") approved under CUP-339-11 (REV. 2020).

The operation of the indoor sports facility will not interfere with the operation of the uses (e.g., industrial) in the surrounding area. The applicant's proposal includes an expansion of its carpool incentive program by increasing the number of carpool parking spaces from 45 to 65, to further promote carpooling and reduce parking demand. In addition, the applicant is also proposing to introduce and utilize an overflow parking area, which is currently an existing parking lot area on the eastern portion of the property separated by a fence and sliding gates. During any peak times and events, as necessary, the MAP will provide open access and use of this overflow lot, which provides an additional 78 parking spaces. Upon project completion, the MAP Sports Facility will provide 269 parking spaces, which is comprised of seven (7) ADA handicap accessible spaces, 184 standard spaces, and 78 overflow spaces. Under the original approval of Conditional Use Permit No. CUP-339-11, it was determined that a minimum of 156 parking spaces were required for the MAP – a parking rate of 2.43 parking spaces per 1,000 square feet. The new proposed total of 269 parking spaces would represent a surplus of 113 parking spaces. The additional overflow parking lot, along with the expanded carpool incentive program, will mitigate any potential on- and off-site parking issues.

The indoor sports facility is on a major street for ease of access and will not encumber smaller streets in the industrial area. In the project vicinity, public parking is conveniently available on Western Avenue and Anaconda Avenue. It is estimated that approximately 135 on-street public parking spaces are available on these nearby streets. On a weekend day, the parking demand study cited observations that as many as 102 cars parked on the street at peak. During the same period, only 41 pedestrians were observed walking to the MAP Sports Facility, indicating that not all cars parked on the nearby public streets were patrons of the MAP. It was determined that there was no apparent correlation between the number of walk-in patrons and the number of vehicles parked on nearby public streets. Generally, on-street parking in the surrounding industrial areas is abundantly available, especially on Friday evenings, weekends, and holidays (peak periods for the MAP). The proposed indoor sports facility will operate in a way that does not conflict with the regular permitted business operations in the area and therefore, will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site. Additionally, the applicant has prepared a Parking Management Plan ("PMP") that establishes and implements mitigation measures to minimize potential on- and off-site impacts to surrounding properties. The PMP will be implemented during any high/peak demand periods, as necessary,

and to ensure the operation does not cause a nuisance, hindrance, and/or problem with either on-site and/or off-site parking and/or circulation.

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

Provided that the indoor sports facility use continues to adhere to the conditions of approval for the life of the project, and provided there is effective implementation of the Parking Management Plan ("PMP") approved under CUP-339-11 (REV. 2020), the proposed modifications to the approved plans and the Conditions of Approval for the existing indoor sports facility, MAP Sports Facility, approved under Conditional Use Permit No. CUP-339-11 (REV. 2014), will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

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 proposed project proposes to modify the approved plans and the Conditions of Approval for the existing indoor sports facility, MAP Sports Facility, approved under Conditional Use Permit No. CUP-339-11 (REV. 2014). There is no proposed additional floor area to the existing building. The applicant's proposal includes an expansion of its carpool incentive program by increasing the number of carpool parking spaces from 45 to 65, to further promote carpooling and reduce parking demand. In addition, the applicant is also proposing to introduce and utilize an overflow parking area, which is currently an existing parking lot area on the eastern portion of the property separated by a fence and sliding gates. During any peak times and events, as necessary, the MAP will provide open access and use of this overflow lot, which provides an additional 78 parking spaces. Upon project completion, the MAP Sports Facility will provide 269 parking spaces, which is comprised of seven (7) ADA handicap accessible spaces, 184 standard spaces, and 78 overflow spaces. Under the original approval of Conditional Use Permit No. CUP-339-11, it was determined that a minimum of 156 parking spaces were required for the MAP - a parking rate of 2.43 parking spaces per 1,000 square feet. The new proposed total of 269 parking spaces would represent a surplus of 113 parking spaces. The additional overflow parking lot, along with the expanded carpool incentive program, will mitigate any potential on- and off-site parking issues. The existing site 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 existing indoor sports facility use with the uses in the surrounding area. Additionally, the applicant has prepared a Parking Management Plan ("PMP") that establishes and implements mitigation measures to minimize potential on- and off-site impacts to surrounding properties. The PMP will be implemented during any high/peak demand periods, as necessary,

and to ensure the operation does not cause a nuisance, hindrance, and/or problem with either on-site and/or off-site parking and/or circulation.

- 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 proposed project only proposes to modify the approved plans and the Conditions of Approval for the existing indoor sports facility, MAP Sports Facility, approved under Conditional Use Permit No. CUP-339-11 (REV. 2014). The existing site is adequately served by highways and streets.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Conditional Use Permit possesses 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 attached Revised Conditions of Approval (Exhibit "A") shall apply to Conditional Use Permit No. CUP-339-11 (REV. 2020). All existing conditions of approval, as approved under CUP-339-11 (REV. 2014), along with any modified or new conditions of approval, as approved under CUP-339-11 (REV. 2020) will apply.

Adopted this 20th day of August 2020

ATTEST:

/s/ JEREMY LEHMAN
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 August 20, 2020, by the following vote:

AYES: COMMISSIONERS: (5) LE, LEHMAN, LINDSAY, PEREZ, SOEFFNER
NOES: COMMISSIONERS: (0) NONE
ABSENT: COMMISSIONERS: (1) RAMIREZ

/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 September 10, 2020.