

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING THE APPEAL, THEREBY UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020).

WHEREAS, the case was initiated by the MAP Sports Facility, with the authorization of the property owner, SDL Warner LLC; and

WHEREAS, the MAP Sports Facility is an existing indoor sports facility located on the southeast corner of the intersection of Western Avenue and Lampson Avenue, at 12552 Western Avenue, Assessor's Parcel No. 251-032-01 (the "Property"); and

WHEREAS, the property is located in the M-P (Industrial Park) zone, and has a General Plan Land Use Designation of Industrial/Residential Mixed Use 1; and

WHEREAS, the Applicant's request was 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, pursuant to a legal notice, public hearings were held by the Planning Commission during its meetings on April 16, 2020, June 18, 2020, and August 20, 2020, and all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission gave due and careful consideration to the matter during its meetings of April 16, 2020, June 18, 2020, and August 20, 2020, and following conclusion of the public hearing, Resolution No. 5982-20 was adopted by the Planning Commission, approving Conditional Use Permit No. CUP-339-11 (REV. 2020); and

WHEREAS, the applicant had appealed the Planning Commission's approval of Conditional Use Permit No. CUP-339-11 (REV. 2020) to the City Council; and

WHEREAS, 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.); and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on October 27, 2020, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of October 27, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. In order to approve Conditional Use Permit No. CUP-120-2018, all of the findings set forth in Garden Grove Municipal Code Section 9.32.030(D)(4) must be made. In this case, based on the totality of information provided, the City Council finds all of the required findings set forth in Section 9.32.030(D)(4) can be made consistent for the following reasons:

- A. 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).

- B. 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. Additionally, in order to determine if the indoor sports facility business has been operating in compliance with these Conditions of Approval, Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be reviewed by the Planning Commission six (6) months after its effective date.

- C. 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). Additionally, in order to determine if the indoor sports facility business has been operating in compliance with these Conditions of Approval,

Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be reviewed by the Planning Commission six (6) months after its effective date.

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.

- D. 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. Additionally, in order to determine if the indoor sports facility business has been operating in compliance with these Conditions of Approval, Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be reviewed by the Planning Commission six (6) months after its effective date.

- E. 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.

- F. 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.

SECTION 3. Based upon the foregoing findings, the Applicant's appeal, in part, is hereby denied, thereby upholding the Planning Commission's decision to approve Conditional Use Permit No. CUP-339-11 (REV. 2020).

BE IT FURTHER RESOLVED that the City Council 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.