

RESOLUTION NO. 6038-22

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

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

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

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

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

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

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

FACTS:

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

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

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

FINDINGS AND REASONS:

Amendment:

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

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

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

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

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

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

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

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

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

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

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

Adopted this 7th day of April 2022

ATTEST:

/s/ JOHN RAMIREZ
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 April 7, 2022, by the following vote:

AYES:	COMMISSIONERS:	(4)	CUNNINGHAM,	LINDSAY,	RAMIREZ,
			SOEFFNER		
NOES:	COMMISSIONERS:	(0)	NONE		
ABSENT:	COMMISSIONERS:	(3)	ARESTEGUI,	LEHMAN,	PEREZ

/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 April 28, 2022.