



A G E N D A

GARDEN GROVE PLANNING COMMISSION

SPECIAL MEETING

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May 20, 2021

COMMUNITY MEETING CENTER – A/B ROOM  
11300 STANFORD AVENUE  
6:00 P.M.

**Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing [planning@ggcity.org](mailto:planning@ggcity.org) no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record. Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

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.

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email [planning@ggcity.org](mailto:planning@ggcity.org) 72 hours prior to the meeting 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 Community Meeting Center 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.

STUDY SESSION – 6:00 P.M.

ROLL CALL: CHAIR PEREZ, VICE CHAIR LINDSAY  
COMMISSIONERS ARESTEGUI, CUNNINGHAM, LEHMAN, RAMIREZ,  
SOEFFNER

A. STAFF STUDY SESSION ON HOUSING ELEMENT UPDATE: HOUSING POLICIES AND PROGRAMS

REGULAR SESSION – 7:00 P.M.

ROLL CALL: CHAIR PEREZ, VICE CHAIR LINDSAY  
COMMISSIONERS ARESTEGUI, CUNNINGHAM, LEHMAN, RAMIREZ,  
SOEFFNER

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

A. ORAL COMMUNICATIONS - PUBLIC

B. APPROVAL OF MINUTES: May 6, 2021

C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020)

APPLICANT: THE MAP SPORTS FACILITY

LOCATION: SOUTHEAST CORNER OF WESTERN AVENUE AND LAMPSON AVENUE AT 12552 WESTERN AVENUE

REQUEST: A six (6) month review of the operation of an existing indoor sports facility, MAP Sports Facility, located at 12552 Western Avenue (Assessor's Parcel No. 215-032-01), to assess its compliance with the Conditions of Approval under Conditional Use Permit No. CUP-339-11 (REV. 2020). The site is in the M-P (Industrial Park) Zone.

STAFF RECOMMENDATION:

- Determine that no further review is required; or
- Determine that the review of Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be extended by six (6) months and be reviewed by the Planning Commission thereafter; or
- Direct Staff to bring back a Resolution to revoke Conditional Use Permit No. CUP-339-11 (REV. 2020), thereby reverting the indoor sports facility use back to the prior approval of Conditional Use Permit No. CUP-339-11 (REV. 2014); or
- Provide further direction to Staff.

C.2. SITE PLAN NO. SP-100-2021  
VARIANCE NO. V-033-2021

APPLICANT: YEMI ALADE (REXFORD INDUSTRIAL)

LOCATION: EAST SIDE OF MONARCH STREET, BETWEEN ACACIA AVENUE AND LAMPSON AVENUE, AT 12822 MONARCH STREET

REQUEST: Site Plan approval to demolish an existing 98,360 square foot industrial building and construct a new 97,470 square foot industrial building along with associated site improvements,

on a property located at 12752-12822 Monarch Street. Also, Variance approval to deviate from the maximum building height requirement of the M-P (Industrial Park) zone. The site is in the M-P (Industrial Park) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 – Replacement or Reconstruction.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-100-2021 and Variance No. V-033-2021, subject to the recommended Conditions of Approval.

D. MATTERS FROM COMMISSIONERS

E. MATTERS FROM STAFF

F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION  
A/B Room, Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Special Meeting Minutes  
Thursday, May 6, 2021

CALL TO ORDER: 7:03 p.m.

ROLL CALL:

Chair Perez  
Vice Chair Lindsay  
Commissioner Arestegui  
Commissioner Cunningham  
Commissioner Lehman  
Commissioner Ramirez  
Commissioner Soeffner

Absent: Cunningham

PLEDGE OF ALLEGIANCE: Led by Commissioner Arestegui

ORAL COMMUNICATIONS – PUBLIC – Mr. Craig Durfey submitted documents related to City graffiti, code enforcement, building addresses on curbs, bike trail regulations, bicycles vs. pedestrians, drinking fountains, and dog feces.

April 1, 2021 MINUTES:

Action: Received and filed.

Motion: Lindsay Second: Lehman

Ayes: (6) Arestegui, Lehman, Lindsay, Perez, Ramirez,  
Soeffner

Noes: (0) None

Absent: (1) Cunningham

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A) AND SITE PLAN NO. SP-099-2021 FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD.

Applicant: RAISING CANE'S RESTAURANTS, LLC

Date: May 6, 2021

Request: To amend Planned Unit Development No. PUD-128-12 to create a new sub-area, PUD-128-12(A), to facilitate the development of a new 3,267

square foot pad restaurant. Also, Site Plan approval to construct a 3,267 square foot drive-thru Raising Cane's Restaurant, along with associated improvements on a vacant property. The site is in the PUD-128-12 Planned Unit Development Zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061 - Common Sense and 15303 - New Construction or Conversion of Small Structures.

Action: Resolution Nos. 6022-21 (PUD) and 6023-21 (SP) were approved.

Motion: Soeffner Second: Arestegui

Ayes: (6) Arestegui, Lehman, Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

Absent: (1) Cunningham

MATTERS FROM COMMISSIONERS: Commissioner Lehman mentioned a fence at Orangewood Avenue, between Magnolia and Gilbert Streets, with graffiti cover-up paint of non-matching colors and asked staff to look into possible plantings for these types of areas and better color matching. Commissioner Ramirez echoed that people do not paint on vined walls, however, graffiti on public right-of-ways was increasing along with homeless camps, especially those moving into residential areas. Staff suggested a City Attorney would be able to speak to him on the subject. Commissioner Arestegui added that a side effect of wall vines was a rodent issue. Staff responded that landscaping was a good graffiti deterrent with rodent issues typically connected to fruit and palm trees.

Chair Perez suggested a Code Enforcement discussion on graffiti be agendaized for the June 17<sup>th</sup> meeting. Vice Chair Lindsay motioned to approve the request, with a second by Commissioner Ramirez. The vote was unanimous by those present.

Commissioner Soeffner asked for a Cottage Industries update. Staff replied that bi-weekly meetings continue with the developer, the Farm Block homes on 9<sup>th</sup> Street were painted black, the developer is planning a neighborhood meeting soon to address resident's inquiries, business interest was increasing, and portions of fencing were removed to start construction.

MATTERS FROM STAFF: Staff gave a brief description of future agenda items for the May 20<sup>th</sup> meeting.

ADJOURNMENT: At 7:56 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, May 20, 2021, at 6:00 p.m. in the A/B Room of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore, Recording Secretary \_\_\_\_\_

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.: A.</b>	<b>FROM:</b> Lee Marino, Community and Economic Development Department
<b>MEETING DATE:</b> May 20, 2021	<b>PREPARED BY:</b> Chris Chung, Urban Planner

## **OBJECTIVE:**

Study session to present the goals, policies, and programs for the Housing Element Update.

## **BACKGROUND:**

### Housing Element Update

The City's Consultant (MIG), along with Staff, is in the process of updating the City's Housing Element for the 2021-2029 planning period, to identify goals and strategies to meet the housing needs of existing and future residents for the production of safe, decent, and affordable housing for all persons in the community. This Housing Element is required by State Housing Law and must be updated every eight years. The Housing Element must be certified by the Department of Housing and Community Development (HCD) by October 15, 2021.

### RHNA and Appeal

The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local Housing Elements of General Plans. The RHNA quantifies the housing need, for all income levels, within each jurisdiction. Garden Grove's RHNA allocation for the 2021-2029 planning period is 19,168 units. The State of California requires the City of Garden Grove to plan for 19,168 future units to accommodate growth in the region. The City officially submitted two (2) applications to SCAG (Southern California Association of Governments) to appeal its RHNA allocation. Both appeals were subsequently denied by SCAG. As part of updating the Housing Element, the Land Use Element and Zoning Code and Map will also be updated, to accommodate the City's RHNA allocation.

### Draft Housing Element and Draft Environmental Impact Report (EIR)

The Draft of the Environmental Impact Report (EIR) is currently being prepared, and all associated analyses being conducted, to evaluate all relevant environmental factors and potential impacts as a result of the projected increase in residential housing in the City for the 6<sup>th</sup> RHNA Cycle (between 2021-2029). It is anticipated

that finalized Drafts of the EIR and the Housing Element will ready for public review and comment in late May 2021.

Future Hearings and Final Approval of the Housing Element

The final Housing Element, along with associated focused General Plan and Zoning Amendments, will be brought to the Planning Commission and City Council at future public hearings for approval and adoption in September 2021. The Draft Housing Element will be submitted to HCD for initial review by July 2021, keeping the City on track for final HCD certification of the Housing Element by the deadline of October 15, 2021.

**DISCUSSION:**

To make adequate provision for the housing needs of all economic segments of the community, the programs in the Housing Element aim to:

- Conserve and improve the condition of the existing affordable housing stock;
- Assist in the development of housing for low- and moderate-income households;
- Identify adequate sites to encourage the development of a variety of types of housing for all income levels;
- Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing; and
- Promote equal opportunities for all persons.

The goals and policies represent the Housing Element's foundation. Further articulation of how the City will achieve the stated goals and policies is found in the programs. Programs identify specific actions the City will undertake toward putting each goal and policy into action. Quantified objectives identified in particular programs are estimates of assistance the City can offer based on funding and staff resources. The Housing Element programs aim to address six (6) overarching themes:

- Housing Maintenance and Preservation
- Affordable Housing
- Adequate Housing Site
- Remove Constraints to Housing Production
- Equal Access to Housing
- Community Engagement

As part of the Housing Element Update, existing programs will be evaluated and updated, as necessary, based on progress and continued appropriateness. Furthermore, new programs will be added to the Housing Element to address new State required provisions, as well as providing for additional ways to support program goals.

Prior to the meeting of May 20, 2021, the presentation materials will be provided to the Planning Commission and posted on the City's Housing Element Update webpage (<http://ggcity.org/housing-element>).



Lee Marino  
Planning Services Manager



By: Chris Chung  
Urban Planner



# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southeast corner of the intersection of Western Avenue and Lampson Avenue, at 12552 Western Avenue
<b>HEARING DATE:</b> May 20, 2021	<b>GENERAL PLAN:</b> Industrial/Residential Mixed Use 1
<b>CASE NO.:</b> Planning Commission Review of Conditional Use Permit No. CUP-339-11 (REV. 2020)	<b>ZONE:</b> M-P (Industrial Park)
<b>APPLICANT:</b> The Map Sports Facility	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> SDL Warner, LLC (Attn: Tracey Barton)	<b>APN:</b> 251-032-01

**REQUEST:**

A six (6) month review of the operation of an existing indoor sports facility, MAP Sports Facility, located at 12552 Western Ave (Assessor's Parcel No. 215-032-01), to assess its compliance with the Conditions of Approval under Conditional Use Permit No. CUP-339-11 (REV. 2020).

**BACKGROUND:**

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 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.

**Amendment No. A-162-11 and Conditional Use Permit No. CUP-339-11:**

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.

Conditional Use Permit No. CUP-339-11 (REV. 2014) & Amendment No. A-009-2014:

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:

- 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;
- In order to accommodate the increase in maximum occupancy for the building, re-striping of the existing parking lot was required to increase the number of parking spaces available on-site from 170 parking spaces to 191 parking spaces (increase of 21 parking spaces);
- 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
- Interior tenant improvements to add a snack and merchandise shop within the indoor sports facility.

Conditional Use Permit No. CUP-339-11 (REV. 2020):

In February of 2020, the applicant submitted an application to the City requesting 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 to allow daytime weekday business hours and activities and expand the existing parking lot to provide additional 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, 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 would be implemented during any high/peak demand periods, as necessary, and ensure the operation does not cause a nuisance, hindrance, and/or problem with either on-site and/or off-site parking and/or circulation. Most notably, the PMP established a plan to implement the following measures:

- Implement an on-site two-lane vehicular queuing area, with parking attendant(s) directing drivers, for capacity of up to twenty (20) vehicles, to eliminate on-street vehicular queuing/stacking on Western Avenue;
- Relocate the portable parking fee collection kiosk, from its current location near the front of the southwesterly driveway approach, pushed further into the center of the property, to allow adequate vehicular queuing space to eliminate on-street vehicular queuing/stacking on Western Avenue;
- Create a designated drop-off zone with queuing capacity of approximately six (6) vehicles;
- Place parking attendant(s) and adequate signage, as necessary, at nearby sites to prevent patrons of the MAP Sports Facility from unauthorized parking on off-site private lots; and
- Control vehicular access entering and exiting the site to ensure effective on-site vehicular circulation (i.e., preventing vehicular ingress from Lampson Avenue or from the northerly driveway approach off Western Avenue).

It was noted to the Planning Commission, that the Community and Economic Development Department, including the Traffic Engineering Division, had reviewed the Parking Management Plan submitted by the applicant and were supportive of the mitigation plan. Conditions of Approval were incorporated into the Conditional Use Permit requiring implementation of the PMP. Out of abundance of caution, it was noted, Condition No. 12 would 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.

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.

Following the neighborhood meeting, on August 20, 2020, the Planning Commission considered CUP-339-11 (REV. 2020). One (1) speaker from the public, a representative of the Container Supply Company ("CSC"), spoke in opposition to the project citing similar prior concerns and noted that CSC does not foresee the MAP operating in compliance following the potential approval of CUP-339-11 (REV. 2020). The applicant, and their representative, spoke in favor of the project. No other members of the public spoke in favor of, or in opposition to, the project. The Planning Commission voted 5-0 (with 1 commissioner absent) to adopt Resolution No. 5982-20, approving CUP-339-11 (REV. 2020), with an amendment to add Condition No. 42, which states: "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."

Appeal of the Approval of Conditional Use Permit No. CUP-339-11 (REV. 2020):

On September 9, 2020, the Appellant, a representative of the Container Supply Company ("CSC"), filed an appeal of the Planning Commission's approval of Conditional Use Permit No. CUP-339-11 (REV. 2020).

The Appellant attached a letter to the appeal request outlining comments in support of the appeal, noting:

- That the original approval of the Amendment and Conditional Use Permit, allowing the establishment and operation of the indoor sports facility use, was predicated on the fact that said use would not operate during weekday daytime hours, and would not operate during regular business hours of the (primarily industrial business) area – during weekday evenings and on the weekends;
- That special operating conditions for indoor sports facilities prohibit indoor sports facility uses from impeding normal functions of the permitted uses in the M-P zone;

- That CSC has witnessed, on numerous occasions, the stacking of cars on Western Avenue, waiting to access the MAP parking lot, due to the collecting of parking fees;
- That CSC has witnessed MAP patrons parking on the CSC parking lot areas, to avoid paying the MAP's parking fee, and then running across the Western Avenue street;
- That allowing the expanded hours, during weekday daytime business hours, would create a dangerous situation for surrounding businesses, where a potential mix of truck traffic and pedestrians illegally crossing the Western Avenue street would create an unsafe situation; and
- That the MAP has previously operated (held events) during non-permitted business hours.

On November 10, 2020, the City Council considered the appeal of the Planning Commission's approval of Conditional Use Permit No. CUP-339-11 (REV. 2020). One (1) speaker from the public, a representative of the Container Supply Company ("CSC"), spoke in opposition to the project citing concerns noted in the appellant's appeal letter. The applicant responded to the prior speaker's comments and spoke in favor of the project. No other members of the public spoke in favor of, or in opposition to, the project. The City Council voted 7-0 to adopt Resolution No. 9661-20, denying the appeal and thereby upholding the Planning Commission's decision to approve Conditional Use Permit No. CUP-339-11 (REV. 2020).

### **DISCUSSION:**

As part of the Conditions of Approval under Conditional Use Permit No. CUP-339-11 (REV. 2020), Condition No. 42 states, "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 effective date of CUP-339-11 (REV. 2020) began on November 10, 2020.

### **Summary of Correspondence:**

The following is a summary of information, complaints, and correspondence that has been received and collected, over the past six (6) months, by City Staff and compiled for the Planning Commission's consideration in its review of the MAP Sports Facility's compliance with their Conditions of Approval under CUP-339-11 (REV. 2020). Copies of all correspondence received will be attached and provided to the Planning Commission.

### **January 29, 2021- Container Supply Company (CSC) Complaint**

**Summary of Complaint.** The CSC submitted a complaint (Exhibit 1) to Staff noting the following concerns:

- That the MAP was charging for parking during unauthorized times of the day (between the hours of 8:00 a.m. to 5:00 p.m.);
- That MAP customers were parking in the front CSC parking lots throughout the day and refusing to remove their cars from the CSC property; and
- That the CSC had to call 911 to remove the car from the CSC property.
- The CSC provided screenshots from their on-site security cameras. The screenshots are date and time stamped January 29, 2021, between the hours of 2:00 p.m. to 4:00 p.m. The screenshots show cars parked in the front parking lot area of the CSC property and MAP A-frame signs at the driveway approach. Said signs appear to state "The Map - No Event Parking".

**MAP Response to Complaint.** In response to the complaint received, the MAP provided Staff with the following information:

- That the MAP held an event, and charged patrons for parking, on Friday, January 29, 2021, between 3:00 p.m. to 8:00 p.m., with approximately 50-60 cars parked on the MAP site;
- That the MAP placed A-frame signs, which state "The Map - No Event Parking", at the driveway approaches of the CSC site;
- That the A-frame signs included "Caution" tape cordoning off the CSC driveway approaches;
- That MAP employees did not observe any cars parking in the CSC parking lot areas during the event;
- That MAP employees observed CSC employees moving the MAP A-frame signs to leave the CSC parking lot area;
- That the MAP implemented the parking management plan.
- The MAP provided photos (without date or time stamps) (Exhibit 2) of the CSC parking lot and driveway, which show A-frame signs, with "Caution" tape, cordoning off the driveway approaches on the CSC lot.
- Per Staff's request, the MAP provided a list of upcoming MAP events for the month of February 2021.

**Staff Comments.** Based on the information received, Staff notes the following:

- The MAP held an event on a weekday during daytime hours (between 8:00 a.m. to 5:00 p.m.) and also imposed a parking fee during said hours, which is unauthorized. Condition No. 39 states, "The applicant shall not impose a parking fee to patrons of the indoor sports facility during off-peak periods and during weekday daytime hours between 8:00 a.m. to 5:00 p.m."
- Based on the photographic evidence provided by the complainant, it was not clear to Staff that the vehicles and persons shown in the images were MAP patrons.
- The Code Enforcement Division was notified of the CSC complaint received.

### **February 20, 2021 – Code Enforcement Division Site Inspection**

**Staff Comments.** The City's Enforcement Division conducted an inspection of the MAP Sports Facility site on Saturday, February 20, 2021 and provided the following comments and observations:

- That the MAP was open and charging \$20.00 for parking;
- That "No Event Parking" signs were placed on driveway approaches of surrounding lots;
- That a volleyball tournament was occurring during the time of inspection;
- That the MAP business/event appeared to operate without any notable issues;
- That there was one (1) car parked on the parking lot of the Container Supply Company (CSC);
- That Staff did not observe any persons jaywalking across the nearby streets; and
- That the MAP parking lot was well utilized during the time of the event.
- The Code Officer provided photographs (Exhibit 3), date and time stamped of February 20, 2021 around 11:00 a.m., of the adjacent CSC lot, which show A-frame signs at the CSC driveway approaches. Additional photographs show on-site directional and informational signs along with parking delineators for the on-site vehicular queuing area, as required by the MAP's parking management plan.
- The MAP voluntarily provided Staff with an email update (Exhibit 4) summarizing observations of the February 20, 2021 weekend, and also provided photographs (Exhibit 4), date and time stamped February 21, 2021 around 7:00 a.m., which show the on-site vehicular queuing area on the MAP site, on-site directional and informational signs, and photos of the front CSC parking lot areas.

### **March 30, 2021 - Container Supply Company (CSC) Complaint**

**Summary of Complaint.** The CSC submitted a complaint (Exhibit 5) to Staff noting the following concerns:

- That MAP patrons are parking on the front CSC parking lot areas;
- That photographic evidence provided shows two (2) cars parking on the CSC property between 10:08 a.m. to 1:19 p.m. on Saturday, March 27, 2021;
- That the MAP places A-frame ("No Event Parking") signs at the CSC parking lot entries (driveway approaches) with yellow ("Caution") tape, but that the signs fail to deter MAP patrons from accessing the CSC parking lot areas;
- That in the upcoming summer season, the CSC will operate during weekends and that yellow "Caution" tape cordoning off CSC driveway approaches will be problematic for vehicular ingress and egress for CSC employees;
- That if the MAP continues to charge for parking, the CSC requests that the MAP provide a security guard dedicated to deterring MAP patrons from accessing/parking on the CSC property.

- The CSC provided a clip (1 minute and 26 seconds) of security camera video, date and time stamped Friday, March 26, 2021 around 3:50 p.m., showing a portion of the front CSC parking lot area and a portion of the MAP site. Visible in the video are the following: MAP directional and informational signs on-site; MAP A-frame signs at the CSC driveway approaches; and a black car briefly entering the MAP site, exiting the MAP site, crossing Western Avenue, entering the CSC site, and the vehicle parking.

**MAP Response to Complaint.** In response to the complaint received, the MAP provided Staff with the following information (Exhibit 6):

- That the MAP held an event, and charged patrons for parking, on Friday, March 26, 2021, between 5:00 p.m. to 11:00 p.m.;
- That said event time is permissible per the MAP's Conditional Use Permit;
- That setup for the 5:00 p.m. event began at 4:00 p.m., only to organize the on- and off-site directional and informational signs, including the off-site A-frame signs on surrounding properties;
- That on Saturday, March 27, 2021 an event was held at the MAP;
- That two (2) cars (MAP patrons) physically moved the A-frame signs (and yellow "Caution" tape), which were placed on the CSC driveway approach, and parked on the CSC property;
- That MAP employees approached these two (2) customers, requested they remove their vehicles from the CSC property, but the customers informed the MAP employees that they were given authorization from CSC to park on their lot;
- That these two (2) vehicles were parked on the CSC lot for approximately 1.5 hours;
- That, besides these two (2) vehicles, no other MAP patrons parked on the CSC property throughout the weekend.

**Staff Comments.** Based on the information received, Staff notes the following:

- Based on the video evidence provided by the complainant, dated Friday, March 26, 2021 at 3:50 p.m., the video shows a black car briefly entering the MAP site, exiting the MAP site, crossing Western Avenue, entering the CSC site, and the vehicle parking. The video ends before the patrons leave the parking lot. It was also not clear to Staff whether the MAP was charging for parking during unauthorized times (during weekday daytime hours between 8:00 a.m. to 5:00 p.m.).
- Based on the photographic evidence (dated Saturday, March 27, 2021) provided by the complainant, the first image (time stamped 10:08 a.m.) shows patrons with backpacks walking easterly towards Western Avenue. The second image (time stamped 1:19 p.m.) shows what appear to be the same persons arriving back to the same vehicles.
- Per Staff's request, the MAP provided a list of upcoming MAP events for the months of April and May 2021 (Exhibit 7).



### **April 26, 2021 – MAP Sports Facility Message to the Planning Commission**

**Summary of Message.** The MAP Sports Facility submitted a message for the Planning Commission (Exhibit 8) which notes the following:

- Verification with Staff that the May 20, 2021 Planning Commission item related to the MAP is strictly to review the MAP compliance with the Conditions of Approval under Conditional Use Permit No. CUP-339-11 (REV. 2020);
- That the MAP hired a parking lot manager whose job duties are dedicated to monitoring all off-site vehicular and parking activities across the Western Avenue street;
- That the MAP has security cameras installed that record all activities along the Western Avenue street frontage;
- That the MAP, upon request, will provide the City with recorded footage from any day and time to verify compliance with the Conditions of Approval;
- That the Map has not received any complaints from other neighbors in the surrounding area (besides the complaints submitted by CSC);
- That the MAP received unanimous approvals from the Planning Commission and City Council for its Conditional Use Permit;
- That the Parking Management Plan ("PMP") will continue to be implemented during any peak events where a parking fee is charged;
- That the PMP has been successful thus far in mitigating and eliminating on-street queuing;
- That the MAP has placed A-frame signs stating "NO EVENT PARKING" with caution tape cordoning off the CSC driveway approaches, and also trained all MAP employees to prevent MAP patrons from parking in CSC parking lot areas;
- That the MAP has installed surveillance cameras to demonstrate compliance; and
- That the MAP is committed to continuing to be an asset to the City of Garden Grove.
- The MAP provided five (5) photos (dated April 10, 2021 and April 24, 2021) showing MAP A-frame signs stating "NO EVENT PARKING" with caution tape cordoning off the CSC driveway approaches (Exhibit 8).

### **May 7, 2021 – Code Enforcement Division Site Inspection**

**Staff Comments.** The City's Enforcement Division conducted an inspection of the MAP Sports Facility site on Friday, May 7, 2021, at approximately 5:00 p.m., and provided the following comments and observations:

- That the Code Enforcement officers conducted three (3) inspections at the MAP Sports Facility (MAP) site and did not observe illegal parking, or other suspicious, activities; and
- That the MAP parking lot was half-full and that all cars were parked correctly within the MAP parking lot areas.

- The Code Officer provided photographs of the site inspection (Exhibit 9), date and time stamped of May 7, 2021 at approximately 5:00 p.m.

Copies of all prior comments and exhibits received, along with prior staff reports/documents are attached for reference.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take one of the following actions:

1. Determine that no further action or review is required; or
2. Direct Staff to bring back a Resolution to modify the Conditions of Approval to extend the review of Conditional Use Permit No. CUP-339-11 (REV. 2020) by an additional six (6) months; or
3. Direct Staff to bring back a Resolution to modify the Conditions of Approval under Conditional Use Permit No. CUP-339-11 (REV. 2020); or
4. Direct Staff to bring back a Resolution to revoke Conditional Use Permit No. CUP-339-11 (REV. 2020), thereby reverting the indoor sports facility use back to the prior approval of Conditional Use Permit No. CUP-339-11 (REV. 2014); or
5. Provide further direction to Staff.



Lee Marino  
Planning Services Manager



Chris Chung  
Urban Planner

**Staff Reports and Documents Prior to, and including, City Council Approval**

- Attachment 1: Parking Management Plan Exhibit
- Attachment 2: Planning Commission Staff Report dated April 16, 2020 and Parking Demand Study
- Attachment 3: Planning Commission Continuance Staff Report dated April 16, 2020, Applicant Request for Continuance, and Public Comments Letters Received
- Attachment 4: Applicant Response Letter dated May 22, 2020
- Attachment 5: CSC Public Comment Letter dated June 16, 2020
- Attachment 6: Applicant Response Letter dated June 17, 2020
- Attachment 7: Applicant Letter to the Planning Commission dated June 23, 2020
- Attachment 8: Planning Commission Resolution No. 5982-20
- Attachment 9: Exhibit "A" Revised Conditions of Approval (including Planning Commission addendum to add Condition No. 42)
- Attachment 10: Public Comment Letter dated August 7, 2020
- Attachment 11: Planning Commission Staff Report dated June 4, 2020
- Attachment 12: Planning Commission Staff Report dated August 20, 2020
- Attachment 13: Appellant's Appeal Filing and Request in Writing dated September 9, 2020
- Attachment 14: City Council Resolution No. 9661-20 (Appeal Denial)
- Attachment 15: City Council Memo dated November 10, 2020

**Staff Reports and Documents Post City Council Approval**

- Exhibit 1: Container Supply Company (CSC) Complaint dated January 29, 2021 along with Security Camera Screenshots
- Exhibit 2: MAP Responses to CSC 1/29/21 Complaint and Photos of Weekend of January 29, 2021, dated February 1, 2021 through February 4, 2021
- Exhibit 3: Code Enforcement Photos from Inspection on February 20, 2021
- Exhibit 4: MAP Weekend Update (dated 2/21/21) and Photos of February 20, 2021
- Exhibit 5: Container Supply Company (CSC) Complaint dated March 30, 2021
- Exhibit 6: MAP Response to CSC 3/30/21 Complaint dated March 31, 2021
- Exhibit 7: MAP Schedule of Events dated April 8, 2021
- Exhibit 8: MAP Message to the Planning Commission dated April 26, 2021 along with Photos
- Exhibit 9: Code Enforcement Photos from Inspection on May 7, 2021

**ATTACHMENTS PRIOR  
TO AND INCLUDING  
CITY COUNCIL  
APPROVAL**



## COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2.	<b>SITE LOCATION:</b> Southeast corner of the intersection of Western Avenue and Lampson Avenue, at 12552 Western Avenue
<b>HEARING DATE:</b> April 16, 2020	<b>GENERAL PLAN:</b> Industrial/Residential Mixed Use 1
<b>CASE NO.:</b> Conditional Use Permit No. CUP-339-11 (REV. 2020)	<b>ZONE:</b> M-P (Industrial Park)
<b>APPLICANT:</b> The Map Sports Facility	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> SDL Warner LLC (Attn: Tracey Barton)	<b>APN:</b> 251-032-01

### **REQUEST:**

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.

### **BACKGROUND:**

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 by a separate operator.

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.

### **DISCUSSION:**

The MAP Sports Facility ("MAP") is an indoor sports facility where the primary sports played are basketball and volleyball. Condition No. 8 of the Conditions of Approval, under Conditional Use Permit No. CUP-339-11 (REV. 2014), currently restrict hours of operation for the facility to be from 5:00 p.m. to 10:00 p.m., Monday through Friday, and 8:00 a.m. to 10:00 p.m., Saturday and Sunday. 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. It should be noted, Staff did not express concerns with the 1-hour extension to the current closing time from 10:00 p.m. to 11:00 p.m. for weekdays and weekend days. Extending the closing time from 10:00 p.m. to 11:00 p.m. did not impact the projected parking demand or pose potential on- or off-site parking impacts. Most businesses in the nearby industrially zoned areas are closed by 5:00 p.m., during the weekdays, and closed on the

weekend. Currently, weekday nighttime activities, during the permitted hours of operation between 5:00 p.m. to 10:00 p.m., typically include organized instruction, practices, and league play relating to volleyball and basketball sports. 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. The following discussion will highlight and address the two (2) new weekday daytime activities of youth summer camps and senior pickleball league.

### Youth Summer Camps

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. The specific activities in summer camps include organized instruction, drills, practices, and scrimmages. Typical summer camp schedules will occur Monday through Friday, beginning at 9:00 a.m. and ending at 4:00 p.m. The next typical scheduled activities will begin at 4:30 p.m. (30-40 minutes after any youth summer camps end prior), which will include organized instruction, drills, practices, scrimmages, and league play.

It should be noted, the typical activities of a youth summer camp, during weekday daytime hours, will be similar to the current weekday nighttime activities that occur today (i.e., organized instruction, drills, practices, and scrimmages). The difference being that current weekday nighttime activities are comprised of various smaller groups, while a youth summer camp is comprised of a larger, single group of participants (not to exceed 300 participants).

On February 28, 2019, the MAP held a "trial session" youth summer camp which took place between 9:00 a.m. and 4:00 p.m. The intent of this trial session was to allow K2 to record observations and measure the anticipated parking demand for a typical summer camp. The "trial session" youth summer camp included 195 participants. Parents dropped off their campers at 9:00 a.m. and later picked them up at 3:30 p.m. Approximately 15% of the participants carpooled to the facility. The number of parked vehicles were noted at thirty (30) minute intervals between 8:00 a.m. to 5:00 p.m. During this trial session, a maximum of 55 parking spaces were in use. Based on these observations, K2 projected that a youth summer camp with 300 participants would require the availability of 80 parking spaces. The subject site currently provides 191 parking spaces. Therefore, during a youth summer camp at full capacity of 300 participants, it is projected that there would be a surplus of at least 111 parking spaces available on-site (additional parking spaces would be available should a given youth summer camp include less than 300 participants).



### Pickleball League

Pickleball is a paddelball sport which combines elements of tennis, badminton, and table tennis (ping-pong). A pickleball game may include up to two to four players maximum – in a single or doubles style of play (1 versus 1 or 2 versus 2). The dimensions of a pickleball court are slightly smaller than the dimensions of a volleyball court. The MAP Sports Facility has spacing for eight (8) basketball/volleyball courts. It is anticipated that there will be a maximum of eight (8) pickleball courts at any one time. 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. Because the participants of pickleball league play will primarily be comprised of adults, it is anticipated that each participant will drive their own vehicle to the MAP. With eight (8) pickleball courts, and with an assumption that all courts will include doubles play (4 players per game), this would amount to approximately 32 players at any one time. Thus, the expected maximum parking demand for pickleball league play is 32 parking spaces.

In the event that a youth summer camp (of 300 participants) ran concurrently with pickleball league play (of 32 participants), both in maximum participant scenarios, out of an abundance of caution, the projected combined parking demand is 112 parking spaces (80 + 32 parking spaces). It should, however, be noted that if a youth summer camp and pickleball league did run concurrently, both activities would not be able to utilize all eight (8) courts at the same time. It is reasonable to assume that the court areas would be shared between the two (2) activities, thus resulting in a smaller youth camp (less than 300 participants) and/or the use of less pickleball courts (less than 8 courts resulting in less than 32 pickleball participants). Therefore, the actual parking demand may be substantially less than 112 parking spaces. Nevertheless, based on a maximum scenario of 112 parking spaces required, the existing 191 parking spaces available on-site would be more than adequate to accommodate this projected parking demand.

### "Green MAP Plan" Carpool Incentive Program

As mentioned prior, the approval of Amendment No. A-009-2014 and CUP-339-11 (REV. 2014) implicitly authorized the MAP to charge its patrons for parking. The MAP imposes a parking fee during high demand periods such as Friday evenings, weekends, and holidays.

Condition No. 11, under CUP-339-11 (REV. 2014), currently states:

*"The applicant/property owner shall maintain a minimum of 191 parking spaces on the site, per the submitted site plan for CUP-339-11 (REV. 2014), that are available to participants at the indoor sports facility. In addition, the applicant shall implement a carpool incentive plan, (the "Green Map Plan") which will allow at least forty-five (45) vehicles carpooling with four (4) or more occupants per vehicle to park on-site for free. The carpool incentive plan is meant to encourage patrons to carpool to the indoor sports facility. The carpool incentive plan shall be in effect and implemented at all times."*

Since the approval of CUP-339-11 (REV. 2014), the MAP has implemented the carpool incentive program. On a typical weekend, K2 observed that as many as 40 of the 45 available carpool spaces were utilized, representing an 89% utilization. The site currently provides 191 parking spaces, which include 45 spaces allocated for carpool parking as part of the MAP's carpool incentive program. 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". It should be noted, the MAP does not charge for parking during off-peak periods. Should CUP-339-11 (REV. 2020) be approved, the MAP will also not charge for parking during weekday daytime hours, and Conditions of Approval will require as such.

#### On-Street Parking

Similar to most indoor sports facilities that charge a parking fee during peak periods, some attendants choose to park off-site. K2 evaluated the use and availability of public parking spaces on nearby public streets. 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, K2 observed 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. K2 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).

#### Parking

Between 2014 to late 2019 (since the approval of CUP-339-11 (REV. 2014)), there had been no reported Code Enforcement cases or complaints received relating to on-site or off-site parking or circulation issues. However, in December of 2019, the Code Enforcement Division received a complaint that patrons of the MAP were accessing parking lots on nearby properties for drop-off and parking purposes.

While the current number of available parking spaces on-site (191 parking spaces) is considered adequate, per the MAP's current Conditional Use Permit (CUP-339-11 (REV. 2014)), in order to address any current and future potential parking issues, and as mentioned prior, the applicant is proposing to expand 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. When the main parking lot of 191 parking spaces reaches 70% capacity (134 parking spaces), the MAP will provide open access and use of this overflow lot, which provides an additional 78 parking spaces. The vehicular access gates to this lot will be fitted with a Knox box for additional emergency access for the Orange County Fire Authority. 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. Again, a total of 65 spaces will be made available for carpool use under the "Green MAP Plan". Under the original approval of Conditional Use Permit No. CUP-339-11, it was determined that a minimum of 156 parking spaces are required for the MAP, which is 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. Staff finds that the additional overflow parking lot, along with the expanded carpool incentive program, will mitigate any potential on- and off-site parking issues.

As a result of this request, Condition No. 11 would be modified, in part, as follows (New text in ***bold-italics*** and deleted text in strike-through):

"The applicant/property owner shall maintain a minimum of ~~191~~ **269** parking spaces on the site (***184 standard parking spaces, 7 ADA accessible parking spaces, and 78 overflow parking spaces***), per the submitted site plan for CUP-339-11 (REV. ~~2014~~ **2020**), that are available to participants at the indoor sports facility. In addition, the applicant shall implement a carpool incentive plan, (the "Green Map Plan") which will allow at least ~~forty-five~~ **sixty-five** (~~45~~) (**65**) vehicles carpooling with four (4) or more occupants per vehicle to park on-site for free. The carpool incentive plan is meant to encourage patrons to carpool to the indoor sports facility. The carpool incentive plan shall be in effect and implemented at all times. ***If at any time the primary parking area (of 191 parking spaces) reaches 70 percent utilization, the overflow parking area (of 78 parking spaces) shall be made available to patrons of the indoor sports facility.***"

As a precaution, and to address any potential on- or off-site parking issues that may arise in the future, the remainder of Condition of Approval No. 11 will continue to be maintained, which, in part, states the following:

"Due to the nature of the operation of an indoor sports facility with variables in user demand there is the possibility that parking issues may arise. In the event, the site cannot accommodate the parking demand at any given time which causes a nuisance, hindrance, and/or problem with both on-site and off-site parking and circulation, the business owner/property owner shall devise and implement a plan to relieve the situation. On-site circulation problems refer to parking along designated "red-curb" area, blocking fire lanes, blocking regular drive aisles/double-parking and reducing or blocking entrances or exits.

The business owner/property owner shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation, limiting the number of courts in use at one time, limiting the number of attendees per tournament or other special

event, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility."

The proposed modifications to the parking lot areas will now delineate a dedicated/separate area, surrounded by fencing and a vehicular access gate, for the existing 20,001 square foot industrial building, located on the southwest corner of the property, which is a separate operator/business unrelated to the MAP Sports Facility. Based on Municipal Code parking requirements, a minimum of 40 parking spaces are required for the 20,001 square foot industrial building. In the dedicated parking area for this building, a total of 40 parking spaces will be provided. The applicant has demonstrated on its submitted plans that adequate parking and truck maneuvering space, for vehicular access to the existing loading areas at the rear of the building, will be maintained.

The Community and Economic Development Department has reviewed the request and is supporting the proposal. 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.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution approving Conditional Use Permit No. CUP-339-11 (REV. 2020), subject to the recommended Revised Conditions of Approval.

Lee Marino  
Planning Services Manager

Chris Chung  
Urban Planner



September 9, 2019

Marty Walker  
The MAP Sports Facility  
12552 Western Avenue  
Garden Grove, CA 92841

Re: **Parking Demand Study**  
**The MAP Sports Facility**  
**12552 Western Ave, Garden Grove**

Dear Marty,

Per your request, we have conducted a parking study for the MAP Sports Facility in Garden Grove. This letter presents our methodology, finding, and recommendation in regards to the parking conditions.

### **PROPOSED CHANGES**

The MAP Sports Facility is an existing indoor sports facility of 75,000 square feet located at 12552 Western Avenue in the City of Garden Grove. Primary sports at the facility includes, but not limited to, basketball and volleyball.

The MAP Sports Facility is seeking an amendment to the conditional use permit to expand the hours of operation to allow weekday daytime uses. Weekday daytime activities will include youth summer camps, senior pickleball leagues, school-age team scrimmages, organized instructions and practices. Current hours of operation per approved Conditional Use Permit No. 339-11 (REV.2014) are 5 PM to 10 PM Monday through Friday, and 8 AM to 10 PM Saturday and Sunday. Proposed hours of operation are **Daily from 8 AM to 11 PM**. On-site parking is free for ALL proposed daytime activities on weekdays.

The facility plans to host youth summer camps of basketball and volleyball with up to 300 participants between 6 and 18 years of age. The specific activities in summer camps include organized instructions, drills, practices and scrimmages. Summer

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***K2 Traffic Engineering, Inc.***

camp will be scheduled to start at least 15 minutes after 9 AM and finish at least 15 minutes before 4 PM.

In order to measure the anticipated parking demand for summer camp, the study conducted a “trial session” on Thursday, February 28, 2019. The results were reported by K2 Traffic Engineering in a Parking Demand Study dated July 8, 2019. Parents dropped off their campers around 9 AM and picked them up around 3:30 PM, and approximately 15% of the participants carpooled to the facility. During the “trail session”, 55 parking spaces were used by the attendance of 195 campers. Accordingly, The Map anticipates 80 parking spaces are required for a maximum of 300 summer campers.

The typical summer camp schedule is shown in **Table 1**. Additional details of the schedule prepared by The MAP Sports Facility can be found in **Appendix "A"**. The proposed changes do not affect operations and parking demand on weekends.

**Table 1. Typical Summer Schedule**

Day of Week	Daytime Uses 9 am - 4 pm	Late Afternoon Uses 4:30 pm - 10:30 pm
Monday thru Thursday	Summer Camp (up to 300 ppl)	League/Scrimmage/Practice (up to 160 ppl)
Friday		League Play after 6 pm
Saturday & Sunday	League Play (up to 500 ppl)	

The MAP has a long-term plan to introduce senior and adult pickleball leagues to take advantage of the off-peak usage on weekday daytime. If pickleball leagues become a reality, this activity schedule will start after 9 AM and finish before 4 PM for this year-round sports.

**CURRENT PARKING LOT**

The site currently provides 191 on-site parking spaces, including 45 spaces allocated for carpool parking. In accordance with the approved conditional use

permit, on-site parking is provided for free on weekdays and with a parking fee during high demand periods such as Friday evenings, weekends, and holidays. However, the allocated carpool parking is always free anytime any day. Our observations found that as many as 40 of 45 available carpool spaces are utilized each day on a typical weekend.

The combination of parking fees during high demand and the carpool incentive has contributed to reducing parking demand and encouraging carpooling. As part of the CUP Amendment, The MAP proposes to expand the free carpool program by adding 20 carpool spaces. A total of 65 spaces will be allocated for carpool use free of charge at anytime any day.

### **OVERFLOW PARKING**

As shown in **Exhibit 1**, the project will introduce an overflow parking area on the east side of the lot separated by chain link fence and sliding gates. The gate connecting the parking lot will be opened to provide 78 additional spaces when the entire parking lot of 191 spaces is approximately 70% full. Each access gate will be equipped with a Knox box for emergency access as requested by the Garden Grove Fire Department .

Upon project completion, The MAP Sports Facility will provide 267 total parking spaces, including 7 accessible spaces, 182 standard spaces, and 78 overflow parking spaces. A total of 65 spaces will be allocated for carpool use.

### **THE INDUSTRIAL BUILDING**

The industrial building operated by NILS, Inc. for ski/snowboard apparel distribution is located at the south side of the lot. As shown in **Exhibit 1** and labeled "Adjacent Building A", this building has a separate access through an existing driveway on Western Avenue. The building has 20,007 square feet gross floor area with 40 parking spaces provided exclusively for NILS' use. As shown in **Table 2**,

the NILS industrial building is fully compliant with the City of Garden Grove parking codes, and independent from The MAP Sports Facility.

**Table 2. Parking Requirement for NILS**

Industrial Use Adjacent Building A	Municipal Code Parking Requirement	GFA	Parking Required	Parking Provided
Buildings 20,001 to 100,000 sq. ft. of gross floor area	2 spaces per 1,000 square feet of gross floor area	20,007 Sq. Ft.	40 Spaces	40 Spaces

### SITE OBSERVATIONS

To better understanding the potential parking demand on weekdays, the subject facility has allowed private daytime sessions for team practices and scrimmages. Parking observations were conducted at the facility on a typical weekday with practice and scrimmage sessions (Thursday, February 28, 2019). The number of parked vehicles were noted at each 30-minute interval between 8 a.m. and 5 p.m. A maximum of 55 out of the existing 191 parking spaces were used at 4 p.m. Complete data are shown in **Exhibit 2**.

The study also conducted a pedestrian count from 8:30 to 11:30am on Saturday, June 22, 2019 to observe off-site parking and walk-in patrons. The pedestrian count data can be found in **Exhibit 3**. The survey noted 105 pedestrians approaching from Western Avenue and Lampson Avenue to the MAP Sports Facility. Higher concentration of pedestrians were noted between 8:30 am and 9:00 am, and between 10:30 am and 11:00 am. It is estimated that 46 vehicles may have parked off-site within the survey period, assuming the average carpool ratio of 2.3 people per vehicle as found in a previous study of The MAP Sports Facility. As patrons may leave after finishing the early games, the number of parked vehicles at any time should be less than the totals shown.

### ON-STREET PARKING

Similar to most indoor sports facilities that charges a parking fee during peak periods, some attendances would choose to park elsewhere for various reasons. On-



street parking is allowed for a total length of 760 feet (estimated 38 spaces) on Western Avenue between Lampson Avenue and Chapman Avenue, and 1,940 feet (estimated 97 spaces) on Anaconda Avenue, a total of 135 on-street parking spaces, all within the Industrial Park Zone. No other on-street parking areas were noted for patron use of The Map Sports Facility.

On-street parking were observed in the project vicinity, namely Western Avenue and Anaconda Avenue, as shown in **Exhibit 4**. The study found that as much as 102 cars parked on the street at the peak. During the same period, however, only 41 pedestrians walked to the subject site, indicating not all cars who parked on streets are project related. There is no apparent correlation between the number of walk-in patrons and the number vehicles parked on the street.

For the duration of observation, the overall attendance at The MAP Sports Facility was 480 and 105 pedestrian were noted, a likely indication of approximately 21% of all attendance have parked on the street and walked to the facility. Generally, on-street parking in the industrial area is abundantly available, especially on Friday evening, weekends, and holiday.

#### **PARKING MANAGEMENT PLAN**

The facility plans to maintain and enforce a Parking Management Plan that includes, but not limited to, the following elements:

1. The carpool incentive, named "Green Map Plan", will be expanded to allocate a total of sixty-five (65) spaces for free carpool parking with four or more occupants at anytime any day. The carpool incentive plan is intended to promote carpooling and reduce parking demand both on and off the site. The carpool incentive will continue to be posted at the building and distributed to all team captains during sign-up.

2. The main parking lot and overflow parking will be accessed through the main entrance at Western Avenue. The gate at Lampson Avenue will normally be closed.
3. Knox Boxes will be installed on all gates to allow emergency access by the Garden Grove Fire Department.
4. The overflow parking area will be open during high demand periods when the parking lot of 191 spaces is approximately 70% full. The parking supervisor will oversee parking operations and place appropriate signage for directions to the overflow parking area.
5. Bicycle racks will continue to provide convenient and safe storage of bicycles at the premise.

#### **SUMMARY**

The project is expected to improve the off-peak utilization at the premise during weekday daytime hours. The project further increases the number of free carpool spaces and provides an overflow parking area to enhance the parking redundancy that would benefit all facility users, especially during high demand periods.

Regards,

*K2 Traffic Engineering, Inc.*



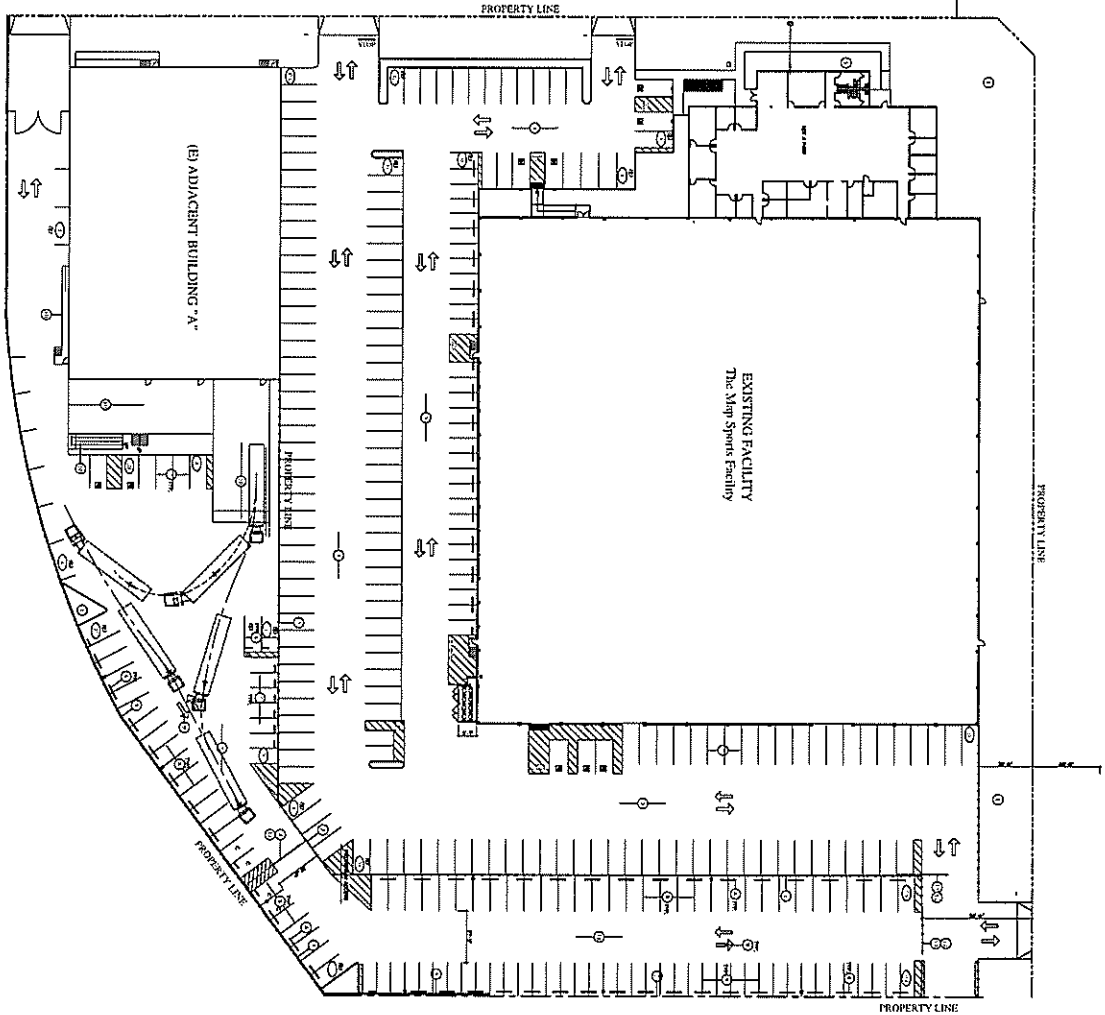
Jende Kay Hsu, T.E.  
California Licensed TR2285



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***K2 Traffic Engineering, Inc.***

WESTERN AVENUE



LAMIRSON AVENUE

SITE PLAN  
SCALE: 1"=20'



- SITE INFORMATION**
- 1. Existing building and site.
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### EXHIBIT 1. SITE PLAN

The MAP Sports Facility  
Specializing in "All Indoor Sports"

12512 WESTERN AVENUE  
GARDEN GROVE, CA 92641

DATE:	2-25-2009
PROJECT:	The MAP Sports Facility
CLIENT:	The MAP Sports Facility
DESIGNER:	CH2M HILL
CONTRACTOR:	CH2M HILL
REVISION NO.:	1
DATE:	2-25-2009
BY:	CH2M HILL
CHECKED BY:	CH2M HILL
APPROVED BY:	CH2M HILL

CH2M HILL

A-1

DATE:	2-25-2009
PROJECT:	The MAP Sports Facility
CLIENT:	The MAP Sports Facility
DESIGNER:	CH2M HILL
CONTRACTOR:	CH2M HILL
REVISION NO.:	1
DATE:	2-25-2009
BY:	CH2M HILL
CHECKED BY:	CH2M HILL
APPROVED BY:	CH2M HILL

**EXHIBIT 2. PARKING SURVEY**

The MAP Sports Facility  
 12552 Western Ave, Garden Grove

Date 2/28/2019  
 Day Thursday  
 By J.C.

<i>Time</i>	<i>Onsite Parking</i>	<i>Time Period</i>	<i>Drop-off/ Pick-up</i>
PARKING SPACES	191		
8:00 AM	2	8:00 AM - 8:30 AM	0
8:30 AM	5	8:30 AM - 9:00 AM	0
9:00 AM	11	9:00 AM - 9:30 AM	1
9:30 AM	15	9:30 AM - 10:00 AM	0
10:00 AM	25	10:00 AM - 10:30 AM	1
10:30 AM	30	10:30 AM - 11:00 AM	0
11:00 AM	30	11:00 AM - 11:30 AM	0
11:30 AM	23	11:30 AM - 12:00 PM	1
12:00 PM	24	12:00 PM - 12:30 PM	0
12:30 PM	16	12:30 PM - 1:00 PM	0
1:00 PM	11	1:00 PM - 1:30 PM	0
1:30 PM	12	1:30 PM - 2:00 PM	0
2:00 PM	14	2:00 PM - 2:30 PM	0
2:30 PM	14	2:30 PM - 3:00 PM	0
3:00 PM	18	3:00 PM - 3:30 PM	1
3:30 PM	35	3:30 PM - 4:00 PM	4
4:00 PM	55 *	4:00 PM - 4:30 PM	2
4:30 PM	41	4:30 PM - 5:00 PM	2
5:00 PM	46		

\* Peak parking occurred at 4:00 pm when 55 parking spaces are used.

**EXHIBIT 3. PEDESTRIAN COUNT**

At the intersection of Western Ave and Lampson Ave

 Date 6/22/2019  
 Day Saturday  
 By Jill L.

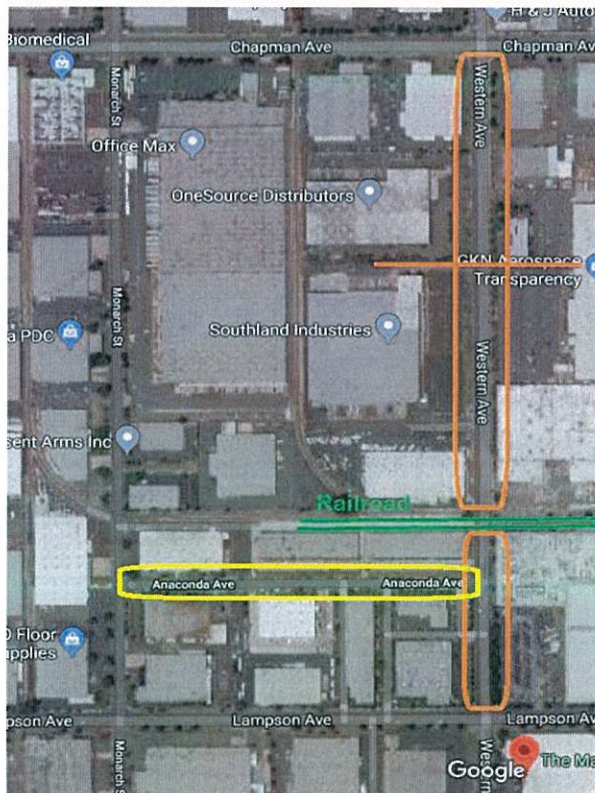
<b>Pedestrian Count to the MAP</b>	Western Ave	Lampson Ave	
Survey Period	North Approach	West Approach	TOTAL
8:30 AM - 9:00 AM	11	12	23
9:00 AM - 9:30 AM	7	2	9
9:30 AM - 10:00 AM	4	5	9
10:00 AM - 10:30 AM	7	4	11
10:30 AM - 11:00 AM	33	8	41
11:00 AM - 11:30 AM	12	0	12
Pedestrian for Each Approach	74	31	105
Assumed Carpool Ratio	2.3 ppl per vehicle		
Estimated Off-Site Parking	32	14	46

**EXHIBIT 4. ON-STREET PARKING COUNT**

Western Ave between Chapman Ave and Lampson Ave

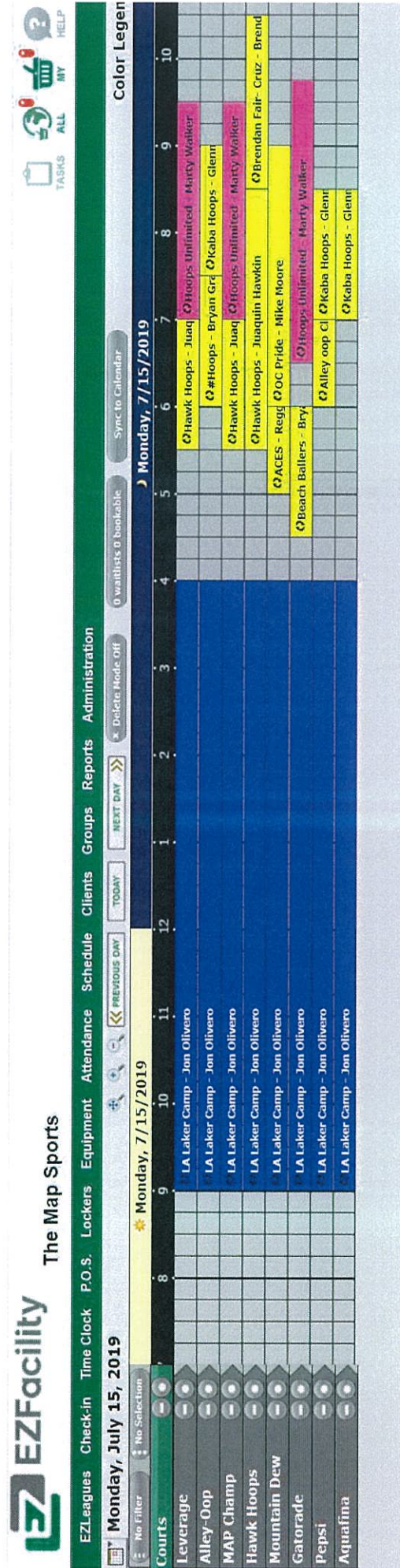
Date 6/22/2019  
 Day Saturday  
 By Kevin L.

Time	Western Ave (North)	Western Ave (Middle)	Western Ave (South)	Anaconda Ave	Total
Estimated Capacity	8	14	16	97	135
8:30 AM	0	12	14	70	96
9:00 AM	0	9	14	72	95
9:30 AM	0	10	14	71	95
10:00 AM	0	12	14	73	99
10:30 AM	1	12	14	75	<b>102</b>
11:00 AM	0	11	15	69	95
11:30 AM	0	9	10	65	84



NORTH

**APPENDIX "A".  
TYPICAL SUMMER SCHEDULE**



**Yellow Grid- Daily Bball Court Rentals/20.5 hrs total**

**Blue Grid- Camp hours/ 7 hrs = 56 hrs total**

**Purple Grid- League Hours/8.25 total hrs**

9AM to 4PM: 300 people/ CAMP

5 to 6: 100 to 120 per/ 6 to 7: 120 to 140/ 7 to 8:

130 to 160/ 8 to 9: 130 to 160/ 9 to 10: 60 to 80.



# The Map Sports

EZLeagues Check-in Time Clock P.O.S. Lockers Equipment Attendance Schedule Clients Groups Reports Administration

**Tuesday, July 16, 2019** Sync to Calendar 0 waitlists 0 bookable

Tasks ALL MY HELP

Courts	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10
Leverage															
Alley-Oop															
MAP Champ															
Hawk Hoops															
Mountain Dew															
Gatorade															
Pepsi															
Aquafina															

Color Legend

- Alley Oop 360 - Bry
- Richard Brown - Richard Brown
- Hoops Unlimited - Marty Walker
- Jr Hoops - Richard
- Kaba Hoops - Glenn Gonzales
- Candy Crushers - Bobby Nij
- Hoops Unlimited - Marty Walker
- Don Lang - Don Lang
- Kelvin Lam - Kelvin Lam

Yellow Grid- Daily Bball Court Rentals/16.5 total hrs

Blue Grid- Camp hours/7 hrs = 56 hrs total

Purple Grid- League Hours/5.75 total hrs

9PM to 4PM: 300 people/ Camp  
5 to 6: 10 to 20/ 6 to 7: 80 to 100/ 7 to 8: 120 to 140/ 8 to 9: 100 to 120/ 9 to 10: 60 to 80





### The Map Sports

EZLeagues Check-in Time Clock P.O.S. Lockers Equipment Attendance Schedule Clients Groups Reports Administration

0 waitlists 0 bookable Sync to Calendar

Wednesday, July 17, 2019

no Filter No Selection

Courts	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11
Leverage				LA Laker Camp - Jon Olivero												
Alley-Oop				LA Laker Camp - Jon Olivero												
MAP Champ				LA Laker Camp - Jon Olivero												
Hawk Hoops				LA Laker Camp - Jon Olivero												
Mountain Dew				LA Laker Camp - Jon Olivero												
Gatorade				LA Laker Camp - Jon Olivero												
Pepsi				LA Laker Camp - Jon Olivero												
Aquafina				LA Laker Camp - Jon Olivero												

Color Legen

Yellow Grid- Daily Bball Court Rentals/25.25 hrs total

Blue Grid- Camp hours/ 7 hrs = 56 hrs total

Orange Grid- Park Hoops/9 hr total

9PM to 4PM: 300 people/ Camp  
 4to5: 20/ 5to6: 80 to 90/ 6to7: 130 to 150/  
 7to8: 140 to 160/ 8to9:140 to 160/ 9to10:120  
 to 140/ 10to11: 80 to 90.



### The Map Sports

EZLeagues Check-in Time Clock P.O.S. Lockers Equipment Attendance Schedule Clients Groups Reports Administration

Thursday, July 18, 2019

0 waitlists 0 bookable Sync to Calendar

THURSDAY, 7/18/2019

Courts	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10
Leverage															
Alley-Oop															
MAP Champ															
Hawk Hoops															
Mountain Dew															
Gatorade															
Pepsi															
Aqualina															

Color Legen

Blue Grid- Camp hours/ 7 hrs = 56 hrs total

Yellow Grid- Daily Bball Court Rentals/10.5 total hrs

Beige Grid- Daily Vball Rentals/1.5 total hrs

Orange Grid- Hoops/S. Sports = 13 hrs

9PM to 4PM: 300 people/ Camp  
 5to6: 100 to 120/ 6to7: 130 to 150/ 7to8: 130 to 150/ 8to9: 110 to 130/ 9to10: 50 to 70.



# The Map Sports

EZ Leagues	Check-in	Time Clock	P.O.S.	Lockers	Equipment	Attendance	Schedule	Clients	Groups	Reports	Administration	Friday, 7/19/2019														
												0 waitlists, 0 bookable	Sync to Calendar	Tasks	ALL	MY	HELP									
Courts																										
Leverage	<input type="radio"/> No Selection																									
Alley-Oop	<input type="radio"/>																									
MAP Champ	<input type="radio"/>																									
Hawk Hoops	<input type="radio"/>																									
Mountain Dew	<input type="radio"/>																									
Gatorade	<input type="radio"/>																									
Pepsi	<input type="radio"/>																									
Aquafina	<input type="radio"/>																									

Blue Grid- Camp hours/ 4 hrs total

9PM to 4PM: 130 to 170 people/ Camp  
6PM to 10PM: 400 to 500 people/ PM Camp  
Hours



November 6, 2019

Dai Vu, City Traffic Engineer  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840

Re: **Trip Generation - Proposed Weekday Daytime Operations  
The MAP Sports Facility at 12552 Western Ave, Garden Grove**

Dear Mr. Vu,

The MAP Sports Facility is an existing indoor sports facility located at 12552 Western Avenue in the City of Garden Grove. Current hours of operation are 5 PM to 10 PM Monday through Friday, and 8 AM to 10 PM Saturday and Sunday. It is seeking an amendment to expand the hours of operation to allow weekday daytime uses. Weekday daytime activities will include youth summer camps, senior/adult pickleball leagues, school-age team scrimmages, organized instructions and practices. The extended hours of operation will be **Daily from 8 AM to 11 PM**.

Adding daytime operations at this existing facility will allow summer camps (9:30 am to 3:30 pm), pickleball league (9:30 am to noon), and team scrimmages and practices (non-peak hour, by reservation). The start and finish times are strategically set 30-minute apart from the morning and afternoon peak hours to avoid the rush-hour traffic. Attributing to staff activities, not patrons, the conservative estimate of trip generation is 10 trips in the morning peak hour and 10 trips in the afternoon peak hour, based on past staffing experiences.

**Table 1. Project's Trip Generation**

Peak Hour	NET Trip Generation	Note
AM (7-9 am)	10	Activities start after 9:30 am, including summer camps and pickleball leagues
PM (4-6 pm)	10	Summer camps end before 3:30 pm. Pickleball leagues are scheduled in the morning only.

***K2 Traffic Engineering, Inc.***

Trip generation represents the amount of traffic change due to the project development. In summary, the project is expected to increase less than 10 trips in the morning and afternoon peak hours. The project is not expected to result in any significant traffic impact, compared to existing conditions. Further study of traffic impact is apparently not required.

Regards,

*K2 Traffic Engineering, Inc.*



Jende Kay Hsu, T.E.  
California Licensed TR2285



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***K2 Traffic Engineering, Inc.***

1442 Irvine Blvd, Suite 210, Tustin, CA 92780 T.714-832-2116 F.949-266-5875 Email: [khsu@k2traffic.com](mailto:khsu@k2traffic.com)

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2.	<b>SITE LOCATION:</b> Southeast corner of the intersection of Western Avenue and Lampson Avenue, at 12552 Western Avenue
<b>HEARING DATE:</b> April 16, 2020	<b>GENERAL PLAN:</b> Industrial/Residential Mixed Use 1
<b>CASE NO.:</b> Conditional Use Permit No. CUP-339-11 (REV. 2020)	<b>ZONE:</b> M-P (Industrial Park)
<b>APPLICANT:</b> The Map Sports Facility	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> SDL Warner LLC (Attn: Tracey Barton)	<b>APN:</b> 251-032-01

**REQUEST:**

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.

**DISCUSSION:**

The applicant has requested to continue Conditional Use Permit No. CUP-339-11 (REV. 2020) to the June 4, 2020 Planning Commission meeting, in order to allow additional time for the applicant to address certain issues that were raised from public comments received by the City of Garden Grove. See attached applicant continuance request in writing along with the correspondence from the public.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Open the public hearing and continue Conditional Use Permit No. CUP-339-11 (REV. 2020) to the June 4, 2020, Planning Commission meeting.

Lee Marino  
Planning Services Manager

Chris Chung  
Urban Planner



April 6, 2020

Mr. Chris Chung  
 Urban Planner  
 City of Garden Grove  
 11222 Acacia Parkway  
 Garden Grove, CA. 92840

Dear Mr. Chung:

### **PURPOSE OF ZONING**

It is our understanding that the purpose of city zoning ordinances is to divide a city into various uses that are separate from one another while maintaining and clustering similar land uses within zones that are compatible and uniform as to limit conflicts of use of surrounding properties.

When the City of Garden Grove initially considered the Conditional Use Permit for MAP Sports Facility to use an existing facility as an indoor sports center in an industrial park zone, we noted our objection as the use was incompatible to the surrounding area.

Our objections were ignored and the CUP was granted. The reasoning was that by limiting the hours of operation to hours and days that would not conflict with industrial users nearby and by requiring staggered time of events to eliminate the possibility of parking overflow from one group to another, that these measures would mitigate the incompatibility issues with surrounding properties.

### **EVIDENCE OF INCOMPATIBILITY/VIOLATION OF CUP**

Now that MAP Sports Facility has been operating in the area, I write to shed some insight on the challenges we have faced and provide some anecdotal evidence of the incompatible use.

In the past, we have filed complaints with Garden Grove's Code Enforcement Departments when things have been dangerous and difficult for us to conduct our daily work, but to no avail.

**City's FINDINGS AND REASONS 2.a.** *"...will operate during hours when the surrounding businesses are closed. The indoor sports facility will be compatible with the neighboring properties and have no adverse effect upon the health, peace, comfort, or welfare of persons working in the surrounding are."*

### **STAFF REPORT FOR PUBLIC HEARING CASE NOS A-162-11 Page 5**

*Map will operate during the evening, 6:00 p.m. to 10:00 p.m. Monday through Friday..."*

12571 Western Avenue  
 Post Office Box 5367  
 Garden Grove, California 92846-0367  
 714-892-8321 562-594-0937  
 FAX 714-892-3824  
[www.containersupplycompany.com](http://www.containersupplycompany.com)



MAP Sports Facility has been operating outside the operating hours limitations of the Conditional Use Permit. We see events taking place in early afternoon during weekdays, well before 6:00 p.m. We see schools coming on the property as early as 3:00 p.m.

**Garden Grove Planning Commission Minute Excerpt Dated November 3, 2011**

*Commissioner Pak asked staff to clarify the entrances. Staff responded that a new curb cut would occur on Lampson Avenue.*

To date, we are unaware of a Lampson Avenue ingress/egress being utilized. Please see photo below taken recently. Perhaps the incentive for disuse of the Lampson Avenue ingress/egress may be the possibility of patrons entering the site without paying the toll. The entrance is generally chained off during operating hours.



**STAFF REPORT FOR PUBLIC HEARING CASE NOS A-162-11 Page 6**

*"To minimize any potential parking issues, the conditions of approval require the applicant to adhere to scheduling a 30-minute interval between league games on any given court."*

**EXHIBIT "A" CONDITIONS OF APPROVAL**

Item 12. "A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES."

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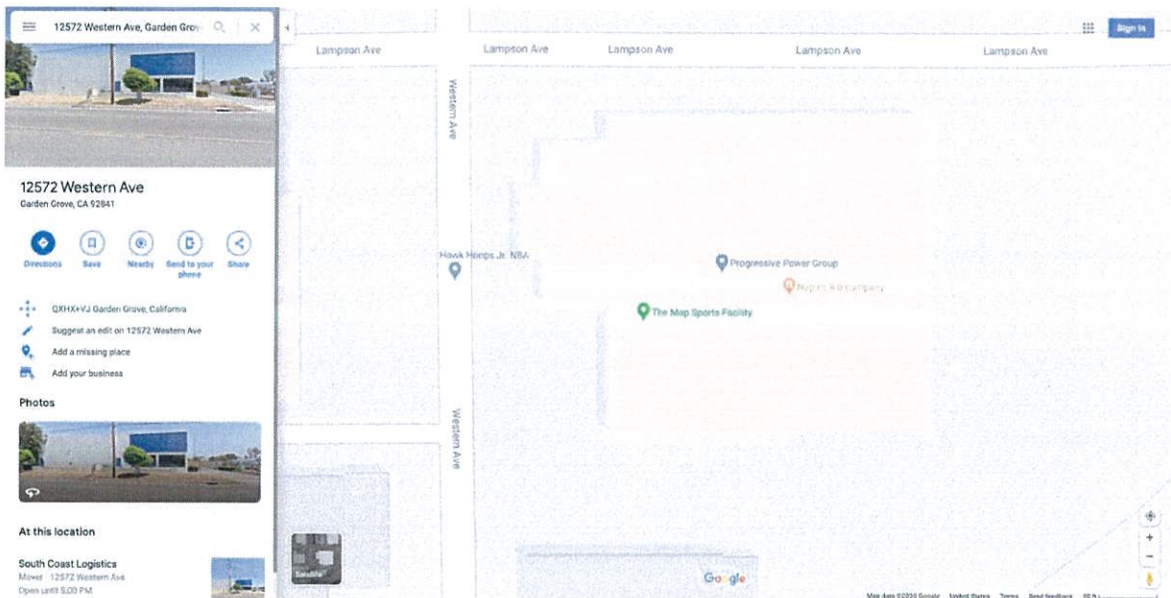




Conditions were put in place to ensure that proper staggering of events and the “No Loitering” clause would preclude parking issues on site.

The reality is that parking has been and continues to be an issue. From time to time, we also see catering taking place in the parking lot with BBQ grills. In fact, if you search on Google Maps 12572 Western Avenue, Garden Grove and zoom in, you will see markers by Google for Hawks Hoop Jr. NBA, The MAP Sports Facility, Progressive Power Group and Naples Rib Company. I presume Naples Rib Company may be marked as Google Location Services identified their cell phones using this facility frequently.

Food service on site invites patrons to stay longer than their designated game time, in turn, creating insufficient parking on site for the day.



As patrons come on site, often times, there is a que to enter the sports facility that spills out beyond their property and on to North Bound Western Avenue as well as the median lane heading South, this creates challenges for our trucks and trailers to enter and exit our property during normal business hours.

We believe part of the reason for the que spilling onto Western Avenue is that MAP Sports Facility charges for parking. Collecting parking toll takes time and requires drivers to wait while the cars in front are allowed access. The charging of parking toll has also created unintended consequences that affect the safety of our property. We're

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not opposed to charging a parking fee, but perhaps if the fee were collected at the door and not at the parking entry point, this may help relieve the spillover.

An additional unintended issue with charging a toll is that families wanting to avoid paying a parking toll now park on our facility and walk across Western Avenue. Others simply use our parking and shipping dock facility as a drop off point for kids to be dropped off and run across Western Avenue, creating a very dangerous situation both for the children running across a busy street as well as for the drivers along the North/South bound Western Avenue. This also creates a hazardous situation for us on our site as we have cars, trucks and fork lifts operating on our facility.

To add salt to the wound, when we have asked patrons of MAP Sports Facility to not park on our facility, they often times are belligerent and refuse to move. We have tried to call for a tow truck, but they are unwilling to come as they have requirements they must meet to tow a car from a private property.

MAP Sports Facility staff place DO NOT PARK signs in front of our parking lot on weekends, but that is not effective. Not only is it not effective, but the fact that they place a sign on our property to control their use is not a reasonable solution. It happens every weekend. In point of fact, photographs from Google Maps are attached to demonstrate the frequency of this practice.

The photographs below is from Google Maps when you enter 12571 Western Avenue, Garden Grove.



In a cursory review of comments found on Yelp for MAP Sports Facility, patrons also park north of the site on public streets to avoid paying the parking toll. The issue is that when they park north of the site in the nearby side streets, there are no pedestrian sidewalks along Western Avenue leading to the side streets where these patrons park. They end up walking through private parking lots. Again, this area's design is for an industrial use, not an indoor sports facility.

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Below is a comment on Yelp suggesting free parking North on Western as well as a photo from Google Maps on the Western Avenue/Lampson Avenue corner where it appears a family is walking across Western Avenue and there are no sidewalks north of the intersection.

**Christy M.**  
San Gabriel, CA  
1257 friends  
492 reviews  
7473 photos  
Elite '2020

12/31/2018  
1 photo 15 check-ins

I come here a lot for basketball tournaments, and especially when my younger brother had games here regularly.

Most people that complain about how expensive it is here is because their kid(s) participate in a traveling basketball team, or for whatever other league they are involved in. Don't get mad at the facility, when you wanted to participate in tournaments here. They're just the location chosen.

I think \$12 parking is bogus, but you are paying for convenience to park on site for the facility. I believe it's cash only, too. I'm not sure if there are proper in n out privileges, since the parking spaces are limited, and there may not be any availability for when you come back. I've gone to facilities hosting tournaments where it's free parking, \$5, \$7, \$10, and have even paid up to \$25 just for convenience of parking on site. \$12 is such a random number, but I guess it could be worse =/ There is free parking off Western headed North though if you wanted to save a few bucks. But anticipate coming much earlier before all the parking spots are filled up.

The other fee people complain about is having to pay an additional fee to go into the facility to be a spectator for whatever sport is going on. This fee is towards the tournament of whatever league you're watching/supporting, and the parking fee is contributed towards the actual facility.

themapsports.com  
(866) 677-0919  
Get Directions

**You Might Also Consider**  
Sponsored

**ClubSport - Aliso Viejo**  
384 reviews  
Renaissance ClubSport Aliso Viejo is Orange County's premier fitness club offering... [read more](#)

**Team Sweat Fitness**  
14 reviews  
Lisa L. said "This gym has amazing classes! The trainers here genuinely care about your goals and..." [read more](#)



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### **PREVIOUS PARKING STUDY'S CREDIBILITY**

The initial parking study used to approve the original CUP was inadequate. The assumption that each court would require 20 parking stalls was flawed as demonstrated

in the challenges we see. Most patrons likely drive individually and a two teams playing on a court likely have more than 20 players at any given time. The addition of 78 stalls will certainly help, but will taking stalls away from the adjacent 60,000 SF building allow

for proper parking demand load if the adjacent building were operating in full capacity? The adjacent building appears empty now, but once it is occupied, the parking demand for this building will rise. Does the new parking demand study account for the PPG office area on the North West side of the sports facility?

The purpose of a Conditional Use Permit is to place conditions that would allow incompatible uses within a zone with conditions that would help mitigate impacts to surrounding properties. By approving the current application to extend the allowance of operation for Monday – Friday 8:00 a.m. to 11:00 p.m. and weekends from 8:00 a.m. – 10 p.m., the few mitigations measures that were already proven to be ineffective in making the use more compatible with surrounding users, would be completely removed and the problems we have faced would continue to exacerbate. This would also create a precedence that negates the purpose of requiring a Conditional Use Permit. In essence, the changes being made are effectively allowing MAP Sports Facility to be fully within its right to operate its business alongside the industrial users nearby during the same operating time without limitation, short of allowing operations to extend to 24/7.

#### **Staff Report Supporting Amendment No. A-162-11 to amend Title 9 of the City of Garden Grove Municipal Code to allow Indoor Sports Facility uses in M-P Zone subject to approval of a Conditional Use Permit.**

*“The amendment will allow a limited number of ‘indoor sports facility’ uses to share space with the regular ‘industrial’ uses. The ‘indoor sports facility’ uses will not operate at the same time as regular business hours, rather operating after-hours on weekday evenings and on the weekend.”*

The current application to extend the operating hours to Monday – Friday 8:00 a.m. to 11:00 p.m. is in direct contrast to the staff report that “indoor sports facility” uses will not operate at the same time as regular business hours, rather operating after-hours on weekday evening and on the weekends.

Some additional questions and comments:

- Does the facility provide adequate rest room stalls? In reviewing the previous floor plan with 8 courts, the number of stalls seemed insufficient.
- Does PPG continue to operate the 8,000 SF of office space exclusively at the front of the site along with the warehouse space of 7,000 SF?

12571 Western Avenue  
Post Office Box 5367  
Garden Grove, California 92846-0367  
714-892-8321 562-594-0937  
FAX 714-892-3824  
[www.containersupplycompany.com](http://www.containersupplycompany.com)



- Does MAP Sports have the proper approval and permit to operate a food service on site? Below is a comment from a patron of MAP found on Yelp. It would appear that MAP has a Snack Bar, Acai Republic Bar and a Tacos/Burritos/Quesadilla bar outside the facility.

The restrooms are a hit or miss. Some days it's kept pretty clean, other days I see the same toilet clogged for 8+ hours without being fixed. The restrooms are usually restocked in a timely manner from what I've experienced.

[themapsports.com](http://themapsports.com)

The MAP Sports Facility workers are generally pretty friendly and helpful if you need anything. During the summer it's hot AF here without proper ventilation. There's vents, but it feels worse than a sauna in there. But during the winter, it's also cold AF. So it fluctuates.

(866) 677-0919

[Get Directions](#)

Snack bar is over priced, so I almost never buy anything there. They usually had the Acai Republic bar there, which is a healthier and delicious option of food/snacks. They weren't there when I was recently, so not sure if that's still available. The Tacos/Burritos/Quesadillas bar outside the facility is good, and the workers there are friendly too. Pricey though, \$8 each plate? Meh. But it's a much better and filling deal vs paying \$5.95 inside the snack bar for a slice of pizza and soda.

**You Might Also Consider**

Sponsored

**ClubSport - Aliso Viejo**  
 384 reviews  
 Renaissance ClubSport Aliso Viejo is Orange County's premier fitness club offering... [read more](#)

**Team Sweat Fitness**  
 14 reviews  
 Lisa L. said "This gym has amazing classes! The trainers here genuinely care about your goals and..." [read more](#)

Useful 8 Funny 5 Cool 7

5/4/2019  
 Where do I start.

The facility is dated in comparison to other facilities hosting AAU tournaments. Unfortunately, with the closure of Next Level, the Map is the only thing in town (literally).

- Furthermore, it was our understanding that spectators were not allowed as part of the CUP per **Exhibit "A" Conditions of Approval, Item 9**, "There shall be no tournaments, competitions, or other special events that draw spectators." What we see as a nearby property owner and what we read in numerous Yelp reviews by patrons paint a different picture. Are spectators allowed?

If this application were to be approved, as a property owner impacted by the current use with its current limitations, we ask the City to recognize that removing the current limitations will create additional impact on the surrounding users and that the City will provide appropriate mitigation measures to ensure that MAP's use does not impede on our operation and the safety of our employees. We further ask the City to create a mechanism by which we would be allowed to quickly call on a tow truck service to

remove cars that are trespassing on our property. Should the problems continue to exist, we ask the City to review the conditions and use of the subject property and to amend the conditions as necessary.

Best regards,

Spencer Hurtt  
 President/CEO

12571 Western Avenue  
 Post Office Box 5367  
 Garden Grove, California 92846-0367  
 714-892-8321 562-594-0937  
 FAX 714-892-3824  
 www.containersupplycompany.com

Zimbra

chrisc@ci.garden-grove.ca.us

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**Re: MAP Sports Facility - 12552 Western Ave - Code Enforcement Case #181966**

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**From :** Pete Roque <peter@ggcity.org> Fri, Apr 03, 2020 10:40 AM  
**Subject :** Re: MAP Sports Facility - 12552 Western Ave - Code Enforcement Case #181966  
**To :** Chris Chung <chrisc@ggcity.org>

Here is the complaint:

Request CR-9162

MAP Sports Facility has had an all day event today (1/20/2020). Its customers have been parking in our facility, walking through our facility during business hours and have at times refused to remove their car when told that it is private property. This has happened on multiple occasions during our hours of operation and is both a nuisance as well as potentially hazardous situation as we have fork lifts operating in our facility where patrons of MAP Sports Facility have been seen walking through.

We have filed multiple complaints to the City and have not had the issue resolved.

We request that when MAP conducts all day events during normal business days, that they be required to post a security guard at the entrance of our facility to discourage their patrons from parking/walking through our facility in the future.

Address: 12552 WESTERN AVE  
Category: Other Code Enforcement Complaint  
Submitted: January 20, 2020 02:15 PM  
Requester: David Choye  
Phone: (714) 622-6425  
Email: [dchoye@cscmfg.com](mailto:dchoye@cscmfg.com)

We have not observed anything thus not sent any notification.

Thank you,

 Pete Roque, CCEO | Code Enforcement Supervisor  
City of Garden Grove | 11222 Acacia Parkway | Garden Grove, CA 92840  
Community and Economic Development Department | Building & Safety  
GARDEN GROVE Division | Code Enforcement  
Tel: (714) 741-5351 | Email: peter@ggcity.org

Please feel free to check out our new online web request and reporting system at [Online Web Request](#)

**Zimbra****chrisc@ci.garden-grove.ca.us**

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**The Map Sports Facility**

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**From :** Terry Teeple <teeple@pacific-teal.com>

Wed, Apr 08, 2020 10:54 AM

**Subject :** The Map Sports Facility

📎 1 attachment

**To :** 'Chris Chung (chrisc@ggcity.org)' <chrisc@ggcity.org>**Cc :** leem@ci.garden-grove.ca.us, martymap11  
<martymap11@gmail.com>, Kay Hsu, TE  
(kay@k2traffic.com) <kay@k2traffic.com>

Mr. Chris Chung,

To allow my Client and Applicant (The Map Sports Facility) time to address certain issues that were raised from public comments received by the City of Garden Grove Community and Economic Development Department, we respectfully request a continuance of CASE NO.: Conditional Use Permit No. CUP-339-11 (REV. 2020). More specifically, please continue Agenda Item No. C.2 currently scheduled for the April 16, 2020 Planning Commission meeting to their meeting of June 4, 2020. We trust the Planning Commission will open the currently scheduled public hearing on April 16, 2020 and then vote to continue CASE NO.: Conditional Use Permit No. CUP-339-11 (REV. 2020) to their June 4, 2020 meeting. Thank you for your continued cooperation.

Please acknowledge receipt of this request.

Respectfully submitted by Terry Teeple, Authorized Representative for The Map Sports Facility.

Terry Teeple  
Managing Member  
Pacific-Teal Development, LLC  
22691 Lambert Street, Suite 519  
Lake Forest, CA 92630  
PH 949.586.2066  
teeple@pacific-teal.com

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04/01/2020 01:10:03 AM  
**Ticket #589351**

**Status** Open  
**Priority** Normal  
**Department** Planning Help  
**Create Date** 03/31/2020 04:46:51 PM

**Name** Royden Fujimori  
**Email** rfujimori@crrmail.com  
**Phone**  
**Source** Email

**Assigned To**  
**SLA Plan** Planning SLA  
**Due Date** 04/05/2020 04:46:51 PM

**Help Topic** Planning  
**Last Response**  
**Last Message** 03/31/2020 04:46:52 PM

## Conditional Use Permit No. CUP-339-11

03/31/2020 04:46:52 PM Conditional Use Permit No. CUP-339-11 Royden Fujimori





Garden Grove Planning Division,

This is a comment in the request by the MAP Sports Facility to expand its hours of operation during the weekday and expand additional parking. The current MAP Sports Facility currently holds events during the weekend where most of the times, cannot contain the parking demand. The attendees then park throughout the business streets and areas. On the weekends, most surrounding businesses are not running so there is little conflict in parking, and attendees wondering the streets. However, if events are held during the weekday, during peak business activity, not only will there be a parking capacity issue, but, there will be a safety issue as many of the attendees will be parking throughout a heavy traffic area. In addition, many of the attendees are young children who are not always focused on safety awareness.

Thank you for the opportunity to comment

Royden Fujimori

CR&R Inc.

Zimbra

chrisc@ci.garden-grove.ca.us

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**The Map Sports Facility - CASE NO: Conditional Use Permit No. CUP-339-11 (REV. 2020)**

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**From :** Terry Teeple <teeple@pacific-teal.com> Fri, May 22, 2020 05:09 PM  
**Subject :** The Map Sports Facility - CASE NO: Conditional Use Permit No. CUP-339-11 (REV. 2020) 1 attachment  
**To :** 'Chris Chung (chrisc@ggcity.org)' <chrisc@ggcity.org>  
**Cc :** leem@ci.garden-grove.ca.us, martymap11 <martymap11@gmail.com>, Kay Hsu, TE (kay@k2traffic.com) <kay@k2traffic.com>

Dear Planning Commissioners and City Staff.

I hope this finds you well under these challenging circumstances. On behalf of my Client, The Map Sports Facility (Map), I wish to express my gratitude to the Planning Commission for honoring our request to continue Agenda Item No. C.1. from your April 16, 2020 meeting to your meeting scheduled for June 4, 2020. Our team has been utilizing this invaluable time afforded us by the Planning Commission's continuance of our Subject Case. More specifically we have focused on the two (2) comment letters that the City of Garden Grove received during the public comment period. I offer the following responses to both comment letters:

CR&R, Inc. Letter - Ticket #589351 Create dated 03/31/2020:  
After reviewing the public comment submitted by CR&R, Inc., we are pleased that the author offers the following relative to the weekend operation at The Map Sports Facility: "On the weekends, most surrounding businesses are not running so there is little conflict in parking, and attendees wondering (wandering-spelling corrected) the streets."

The Amendment we seek via Conditional Use Permit No. CUP-339-11 (REV. 2020) centers around expanding the hours of operation to include weekday daytime activities at the Map. It is very clear to me that the author of the public comment is not informed when he states ... "However, if events are held during the weekday, during peak business activity, not only will there be a parking capacity issue, but, there will be a safety issue as many of the attendees will be parking throughout a heavy traffic area." City Staff raised similar concerns and questions early in the process of evaluating the Amendment. As a result, K2 Traffic Engineering produced the Trip Generation - Proposed Weekday Daytime Operations / The MAP Sports Facility at 12552 Western Ave, Garden Grove, dated November 6, 2019 (Memo). Said Memo as well as the Staff Report and Conditions of Approval clearly mandate that the proposed weekday daytime hours of operations are restricted to OFF PEAK, AM- and PM peak traffic hours. The author of the public comment is also and unfortunately uninformed regarding the parking required for the proposed weekday daytime hours of operations. As part of City Staff's required

analysis, K2 Engineering also produced a document entitled the Parking Demand Study / The MAP Sports Facility 12552 Western Ave, Garden Grove dated September 9, 2019 (Study). Among many other components, this Study clearly demonstrates that the proposed weekday daytime activities anticipates the maximum use of 80 parking spaces at any one time. As you are aware, there are currently 191 existing parking spaces at the Map. This means the proposed weekday daytime activities will require less than 50% of the existing parking spaces. The author's assertion that there will be "a parking capacity issue" is simply incorrect. It is well to note that both the Memo and the Study were reviewed and accepted by the City of Garden Grove's Traffic Engineer ... These work products support the City Staff's recommendation for the Planning Commission to approve the Conditional Use Permit No. CUP-339-11 (REV. 2020).

Container Supply Letter dated April 6, 2020:

We have thoroughly reviewed the comments contained in this letter. Much like the CR&R comments, the author is unfortunately misinformed about numerous facts and activities The Map Sports Facility (Map), is vested with vis-à-vis the Conditions of Approval for the Map's CUP No. 339-11 (REV. 2014).

Examples of this include the Map's current vesting described in Conditions of Approval #34 and #35 ... These conditions allow the Map to provide both food and drinks AND sell sports merchandise during hours of operation. It should be noted that the Conditions of Approval #34 and #35 are as numbered in proposed CUP No. 339-11 (REV. 2020). The Container Supply comment letter raises issues that although have occurred very rarely since the Map opened for business in May, 2012, warrant PRO-ACTIVE consideration. Specifically and again on very rare occasion, patrons of the Map have utilized the parking lot of Container Supply across Western Avenue. These rare, UNAUTHORIZED occurrences have taken place in spite of the Map's placement of "A-Frame" signs at the driveways of the Container Supply facility forbidding Map patrons from this activity. In addition, and only during weekend events when parking fees are charged to Map patrons to vehicles having LESS THAN 4 OCCUPANTS, a "queuing" issue occurs. This forces vehicles to queue up on Western Avenue. Recall that the vehicles with 4 or more occupants enjoy FREE parking per the GREEN MAP PROGRAM, proposed by Condition of Approval #12 to increase to 65 vehicles ... This will further promote carpooling. It is also well to note that the vehicle queuing on Western Avenue ONLY occurs during the beginning of the day and for weekend events. On rare occasions the Map holds 3-day events when children are out of school on 3-day, holiday weekends ... Typically these include Martin Luther King holiday in January, President's holiday weekend in February and the 4th weekend in May over the Memorial Day weekend.

In an effort to mitigate the aforementioned issues raised by Container Supply, my Client has authorized the creation of a "Parking Management Plan" (PMP). This self-imposed mitigation is intended to resolve the rare occasions that impact the Container Supply operations, particularly on a Friday or Monday of a 3-day event at the Map. On these rare occasions the Container Supply facility may be observing these Fridays or Mondays Holidays, and thus not working. I would direct your attention to both the PMP and Staff's proposed Condition of Approval #41. The Map will be obligated to

implement the PMP during any high/peak demand periods, as necessary per Condition #41. The PMP also includes the strict prohibition of Map patrons from parking in the Container Supply's parking lot by hiring another parking lot attendant. In order to best implement the PMP, Staff has proposed Condition of Approval #12 relative to adequate parking at the Map ALWAYS being available. The PMP requires the inclusion of ONSITE queuing for 20 vehicles as noted and shown on the PMP. Condition of Approval #41 also requires opening the 78 overflow parking spaces during peak demand periods.

This was noted and supported by K2 Traffic Engineering's Parking Demand Study dated September 9, 2019, as reviewed and approved by the City of Garden Grove Traffic Engineer.

It is important to add that The Map Sports Facility has NEVER been notified by either the City's Code Enforcement Department or Container Supply directly regarding the two (2) major issues alleged and discussed herein above. It was not until City Staff shared Container Supply's April 6, 2020 public comment letter that the Map was made aware of same. It is also well to note that Map provides a very important and much needed sports facility to both youth and adults alike. The Map's facility has proven to be even more important since the Next Level Sports Complex went out of business October 20, 2018.


Lastly, my Client has reviewed and accepts the REVISED CONDITIONS OF APPROVAL labeled EXHIBIT "A" for CASE NO: Conditional Use Permit No. CUP-339-11 (REV. 2020).

We would like to thank City Staff for their courteous cooperation while evaluating the Amendment being sought by The Map Sports Facility.

Respectfully,

Terry Teeple - Authorized Representative for The Map Sports Facility  
Pacific-Teal Development, LLC  
22691 Lambert Street, Suite 519  
Lake Forest, CA 92630  
PH 949.586.2066  
teeple@pacific-teal.com

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# ATTACHMENT 5

June 16, 2020

Mr. Chris Chung  
Urban Planner  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA. 92840

Dear Mr. Chung:

MAPS is currently operating outside its permitted hours of operation. It is stated on MAPS's website as well as confirmed by an employee by phone. A group of players were seen leaving the facility on Monday, June 15, 1:40 pm.

The current proposal to extend operating hours will create a hazardous situation both for the industrial users in the area as well as for MAPS's patrons. MAPS's patron park on CSC property and run across Western Avenue. Some pull into our Shipping Department's driveway and off-load children who then run across Western Avenue to MAPS. Both practices create a very dangerous situation for all parties involved.

If operating hours are allowed to be concurrent to industrial users, the risk of accidents and injury increase. In addition, traffic congestion on Western Avenue will increase as queue to enter MAPS will exist during times when large trucks are constantly on the road.

## QUESTIONS REGARDING THE CONDITIONAL USE PERMIT PROCESS AND CURRENT APPLICATION

1. The original CUP incorporated an amendment to Title 9 to *allow a new use, an "Indoor Sports Facility," in the M-P (Industrial Park) Zone, subject to a Conditional Use Permit.* The amendment was predicated on the fact that *indoor sports facility uses will not operate at the same time as regular business hours; rather the uses will operate after-hours on weekday evening and on the weekends.* How is the new CUP being processed when it goes against the very reasoning used to allow Indoor Sports Facility to operate in a non-conforming zone?
2. Title 9, Chapter 4, Subsection C.9 was also modified to include the following definition: *"Indoor Sports Facility" means an indoor space used by teams to practice sports or engage in league/club play most often during weekday evening and weekend days.* Is the current proposed CUP in violation of this very definition of an Indoor Sports Facility?
3. Section 9.16.020.050: Special Operating Conditions and Development Standards was also modified to add specific standards for an "Indoor Sports Facility." *At no time shall an indoor sports facility impede the normal functions of the permitted uses in the zone in which it is located.* In point of fact, CSC has filed numerous complaints with Code Enforcement on weekdays during our normal operating hours of business when MAPS was concurrently operating, wherein our normal functions were impeded upon. Were our complaints taken into consideration in reviewing the proposed CUP?
4. In reviewing the original CUP and the Title Amendment, the argument in support of allowing an Indoor Sports Facility to operate in an Industrial Park Zone was based on the notion of such facilities operating during hours when surrounding industrial uses would not be operating. This statement was made over and over again in various documents

leading to the approval of the CUP. Why is this argument no longer valid? What has changed to disregard the original reasoning?

5. What is the City's policy for requiring sites to upgrade the facility's landscape and lighting requirements when a significant change occurs to either the physical property or its uses? In short, are applicants required to upgrade the facility's landscape and lighting to meet current code when a CUP is approved? In other cities, applicants are required to update their facility to meet current code requirements. Is this the same in Garden Grove?
6. The current CUP appears to incorporate parking stalls from an adjacent lot into its parking calculus. If the adjacent building is vacant, it would make sense, but if the property were occupied, would there be enough parking stalls available for both uses concurrently? Please see the parking striping from a Google aerial photograph that shows parking striping different than what was previously submitted to the City in the original CUP application.
7. Does the new parking analysis take into account PPG uses (8,000 SF of general business office and 7,000 SF of warehouse) as exclusive space for PPG; therefore, a separate parking count should be factored, 32 stalls for general business office and 16 stalls for warehouse use.
8. If the PPG office areas are exclusive, does the current number of restroom stalls meet the demand load?

#### REQUESTS FROM CSC

1. Immediately cease operating during hours that were not approved by the City.
2. Limit operations to those approved in the original Conditional Use Permit to ensure the operation of MAPS does not interfere or impede other industrial users nearby.
3. Remove ability for MAPS to charge parking fee as it encourages patrons to park off-site, spill into neighboring lots and creates a queue that spills onto Western Avenue as patrons wait to pay the toll.
4. Allow CSC ability to tow unauthorized vehicles on short notice.

Attached are screenshots taken from MAPS website stating, "We are open daily from 7:30 am to 11:00 pm daily but other time arrangements are possible," as well as an aerial view of the parking striping of the adjacent building to accommodate for large trucks.

Also attached are Google Maps screenshots that demonstrate patrons walking in the general area that have likely parked off-site and a screenshot showing how a patron has parked on CSC property, been dropped off and is preparing to run cross Western Avenue in the middle of the street. These photos were taken by Google in a snapshot of a moment in time. The fact that Google's camera's presence capturing these moments at random further illustrates how prevalent the problems are and the dangers they pose.

I urge the City Planning Commissioners and the City Council to reconsider the application to extend the operating hours.

Yours truly,

Spencer Hurtt  
President/CEO

# WE'RE OPEN! RESERVATIONS ONLY

The Map Sports Facility will reopen  
Monday June 15<sup>th</sup> to reservations only.



Please note updated facility guidelines

- Maintain a 6-foot separation from others
- Temperature check upon entrance to the facility
- Practice good hygiene and regularly wash hands
- Masks/face coverings required upon entrance to the facility
- All individuals must fill out COVID-19 Liability Release Waiver



To reserve your court, call us at (714)905-5262 or email us at [info@themapsports.com](mailto:info@themapsports.com).

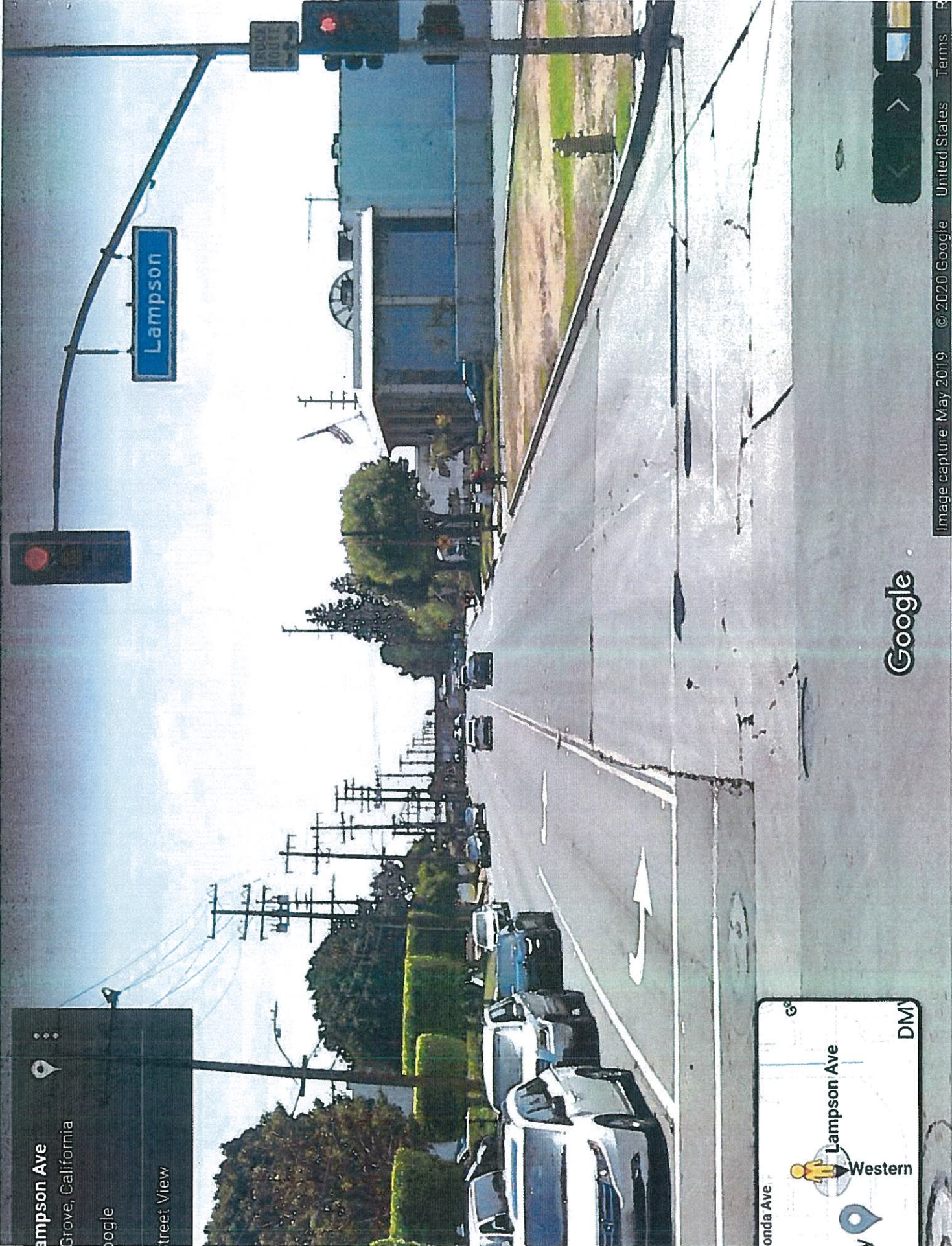
## Reserve A Court & Other Rental Information

The MAP has flexible arrangements for all types of players and organizations to **Reserve** court time or play in the **Open Gym** format. We are open daily from 7:30 am to 11:00 pm daily but other time arrangements are possible. **Reserve** your court's to insure your planned event at the MAP or simply show up to play on any non-reserved courts available on an **Hourly Open Gym**, **Membership Open Gym**, or **Trainers Open Gym** format. For more detailed information on rentals, please see the "Rental" menu above.

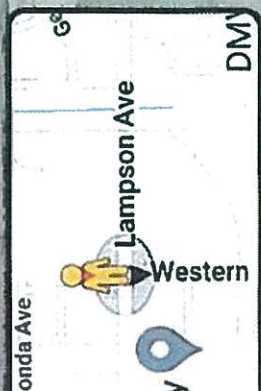
Single court **Reservations** start at \$75 per hour, but rates may vary pending the user's frequency, quantity of courts, and length of reservation.

Whether you need courts for weekend tournaments, league team, club teams, camps, special events or just





Lampson Ave  
Grove, California  
Google  
Street View



Google





... Ave  
California  
EW



ampson  
2572 W

Google

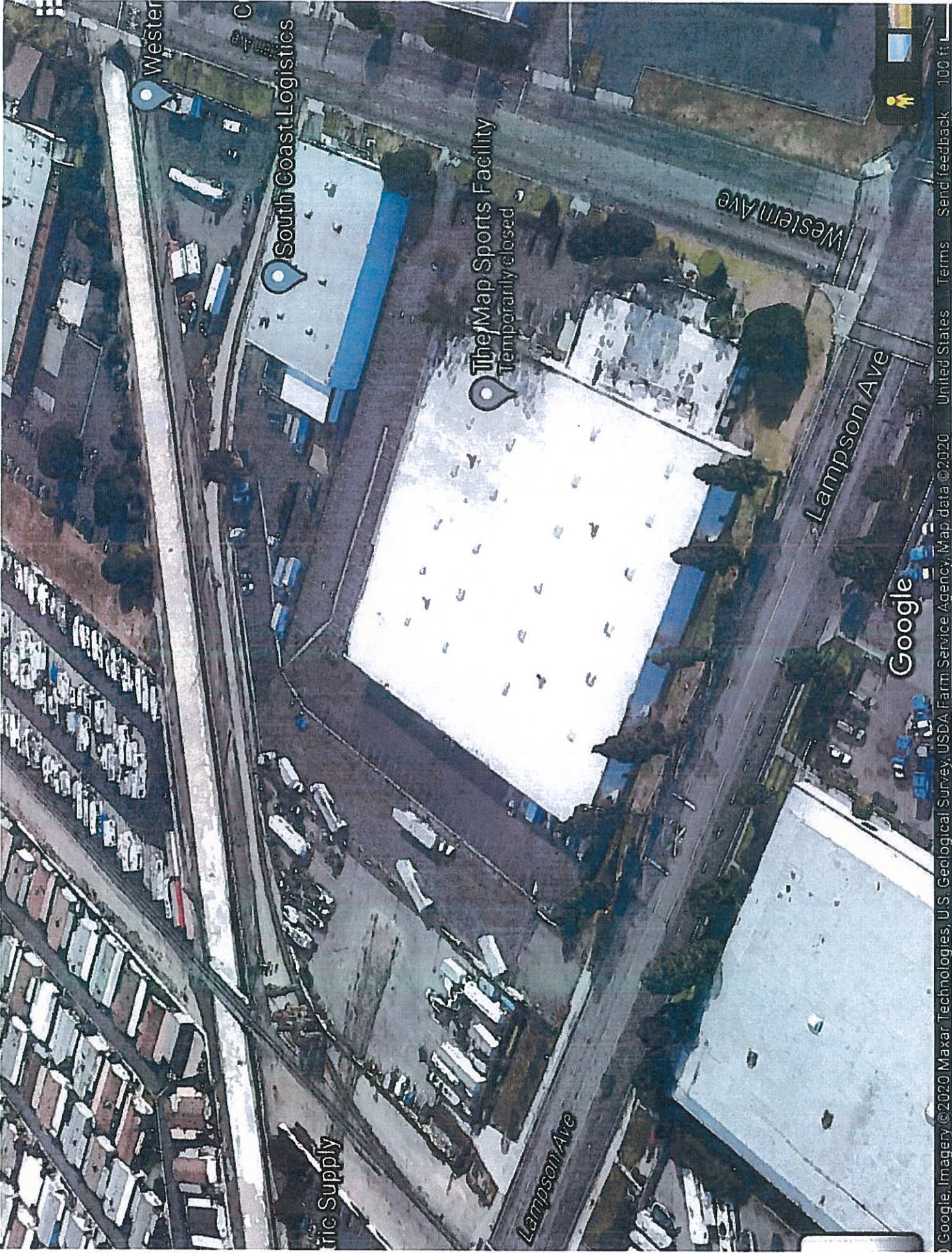


n Ave  
California

ampson  
2572 W

Google

Image copyright: May 2019 © 2020 Google United States



Zimbra

chrisc@ci.garden-grove.ca.us

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**The Map Sports Facility - CASE NO: Conditional Use Permit No. CUP-339-11 (REV. 2020)**

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**From :** Terry Teeple <teeple@pacific-teal.com>

Wed, Jun 17, 2020 03:12 PM

**Subject :** The Map Sports Facility - CASE NO: Conditional Use Permit No. CUP-339-11 (REV. 2020)

📎 1 attachment

**To :** leem@ci.garden-grove.ca.us, 'Chris Chung (chrisc@ggcity.org)' <chrisc@ggcity.org>**Cc :** martymap11 <martymap11@gmail.com>, Kay Hsu, TE (kay@k2traffic.com) <kay@k2traffic.com>

Dear Planning Commissioners and City Staff.

I hope this finds you well under these challenging circumstances. On behalf of my Client, The Map Sports Facility (Map), I wish to express my gratitude to the Planning Commission for honoring our request to continue Agenda Item No. C.1. from your April 16, 2020 meeting to your meeting now scheduled for June 18, 2020. Today we were made aware of a second comment letter received by Staff from Container Supply Company (Container Supply), dated June 16, 2020. This second comment letter reiterates several of the same issues Container Supply raised in their original comment letter dated April 6, 2020 to which I responded to in detail via my email dated May 22, 2020 ... I would encourage the Planning Commissioners to reread my May 22, 2020 email which is included in your Staff Report.. That said and on behalf of the Map, it is important that I make a further response to clarify a few additional issues raised in Container Supply's second comment letter.

First, the photos included in Container Supply's second comment letter were taken of Map patrons ON WEEKENDS, during permitted hours of operation.

Container Supply is correct in asserting that they observed a few "players" leaving the Map facility this past Monday, June 15th, at approximately 1:40pm. Like so many businesses affected by the COVID-19 Pandemic, the Map has been working to implement and perfect the protocols mandated by Governor Newsom's Phase 3 "opening" which went into effect last Friday, June 12th.

The Map is considered a "fitness center" by definition in the Phase 3 opening. The protocols include maintaining 6' social distancing, having employees and patrons temperatures taken upon entrance to the facility, the practicing of good hygiene (washing hands often), requiring masks / face coverings to be worn upon entrance to the Map, that all individuals must complete a COVID-19 Liability Release Waiver, and finally that practice groups could consist of no more than ten (10) participants. Container Supply's second comment letter included a photo of the Map's website that reads in part ... "WE'RE OPEN! RESERVATIONS ONLY. The Map Sports Facility will reopen Monday June 15th to reservations only." This and other text was displayed in a box with a burgundy-red background. The Map hearing that the

opening of Phase 3 was finally announced last Friday, they rushed to updated their website this past Sunday. Again and like so many businesses that have had to curtail operations during the Pandemic, the Map was eager to test the mandated protocols via soft openings. Admittedly these "soft openings" have been done this week, during weekdays, currently not permitted in the Map's CUP. Most assuredly these soft openings have NOT adversely affected the health, peace, comfort or welfare of persons residing or working in the surrounding areas. Further, these soft openings of groups of 10 or less patrons to test the COVID -19 protocols have NOT created any traffic issues.

In the haste of the Map to update their website this past weekend, they failed to revise the small text at the bottom of their website. Further, the website photo submitted with Container Supply's second comment letter mistakenly states "We are open daily from 7:30am to 11:00pm ....." The Map has taken down this website information relating to daily hours of operations as it is and has been regrettably incorrect.

Planning Staff confirmed for me today that the Container Supply Company representative was NOT aware of the comprehensive, Parking Management Plan (PMP), that is included as Condition of Approval No. 41. The PMP as stated in my May 22, 2020 email to you is a self-imposed mitigation by the Map intended to resolve the rare occasions that impact the Container Supply operations, particularly on Fridays or Mondays of a 3-day event at the Map.

The PMP will require additional Map personnel to eliminate on-street queuing of vehicles arriving at the Map by providing on-site lanes designated to accommodate 20 vehicles. Additionally, the Map personnel will be responsible for prohibiting Map patrons from parking vehicles at the Container Supply Company's facility. We believe the PMP will prove to be a very important mitigation measure.

It is important to add that The Map Sports Facility has NEVER been notified by either the City's Code Enforcement Department or Container Supply directly regarding the two (2) major issues alleged. It was not until City Staff shared Container Supply's April 6, 2020 public comment letter that the Map was made aware of same and hence the Parking Management Plan. It is also well to note that the Map provides a very important and much needed sports facility to both youth and adults alike. The Map's facility has proven to be even more important since the Next Level Sports Complex went out of business October 20, 2018.

Respectfully submitted.

Terry Teeple  
Authorized Representative for The Map Sports Facility  
Pacific-Teal Development  
22691 Lambert Street, Suite 519  
Lake Forest, California 92630  
PH 949.586.2066  
teeple@pacific-teal.com

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**The MAP Sports Facility (CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020))**

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**From :** Marty Walker <martymap11@gmail.com>

Tue, Jun 23, 2020 05:23 PM

**Subject :** The MAP Sports Facility (CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020))

**To :** Chris Chung <chrisc@ggcity.org>, leem@ggcity.org

**Cc :** Terry Teeple <teeple@pacific-teal.com>, dchoye@cscmfg.com

Dear Mr. Chung and Mr. Marino,

Please be kind enough to forward this email to ALL members of the Garden Grove Planning Commission and the City's Community and Economic Development Director.

The results of last Thursday's Planning Commission public hearing regarding our application were both disappointing and revealing ... Disappointing in the sense that our application was not approved, and revealing that The MAP Sports Facility (MAP), must do a better job going forward. My partners and I appreciate the Planning Commission's 90-day continuance of our application until September 17, 2020, affording us the opportunity to do what is necessary to 1.) restore the City's trust in the operations of The MAP, 2.) to work with our neighbors to minimize any impacts on them resulting from our business operations, and 3.) most importantly to insure the safety of patrons of The MAP, and employees and suppliers of our neighboring businesses.

In an effort to restore the City's trust in The MAP and ultimately gain approval of our CUP No. 339-11 (REV. 2020), we have taken or suggest the following action steps:

- A. Rescheduled the few remaining practice sessions that we had planned for "soft openings" to hours of operation currently approved by our CUP No. 339-11 (REV. 2014). Mr. Teeple, our authorized representative accurately reported at the planning commission meeting that having received Governor Newsom's announcement of Phase 3 activity openings on Friday, June 12<sup>th</sup>, we rushed to update our website and schedule a few practice sessions. Our intentions were to perfect the protocols mandated by the State of California and local agencies for the opening of "fitness centers" the category in which The MAP is included. In advance of that I personally began working with Mr. Chris Chung on May 22<sup>nd</sup> to obtain the City of Garden Grove's criteria for reopening our business so very heavily impacted by the COVID-19 Coronavirus Pandemic. Mr. Chung suggested on May 27<sup>th</sup> that I contact Pete Roque, Code Enforcement Supervisor with the City's Code Enforcement Division. In subsequent correspondence with the City's Code Enforcement staff, I received valuable information regarding reopening protocols. The MAP obtained the necessary thermometer to check temperatures of all

employees and patrons entering our facility WITH MASKS, and trained our staff to strictly enforce physical distancing and to practice appropriate hygiene. Retrospectively, it would have also been appropriate to contact Mr. Chung and Mr. Marino and the Community and Economic Development Director to obtain temporary approval to conduct the soft opening practice sessions during weekday hours currently not approved by our CUP No. 339-11 (REV. 2014).

- B. Removed from The MAP's website and all other collateral materials (including from the window signage at our main facility entrance), reference to any hours of operation not currently permitted under The MAP's CUP No. 339-11 (REV. 2014).
- C. Our employees have also been reminded that when telephone calls are received to only offer practice, training and event times during currently approved hours of operation.
- D. The MAP is committed to demonstrating compliance with the currently approved CUP hours of operation and all other Conditions of Approval.
- E. The proposed Parking Management Plan (PMP) as presented to the City Staff and Planning Commissioners was developed to improve off site vehicle queuing and pedestrian safety issues on the weekends. Mr. Teeple and I are working with the Planning Division to immediately implement the PMP during the 90-day continuance period and in advance of the CUP amendment we seek. We feel very strongly that the PMP will mitigate the major concerns raised by Container Supply Company (via Mr. Choye). We realize even temporary implementation of the PMP is dependent upon The MAP's ability to be open for peak demand events on Friday evenings and weekends, and only with the appropriate State and local COVID-19 guidelines in place.
- F. Mr. Teeple and I will be reaching out to Mr. David Choye at the Container Supply Company (CSC). Our intent is to work with CSC to reach a solution that best serves both of our business interests.
- G. Mr. Teeple will be working with the Planning Division to establish the date, time and location of the neighborhood, community outreach meeting requested by the Planning Commission motion to continue The MAP's public hearing to September 17, 2020.
- H. Lastly, I will personally be requesting to meet individually with each of the Planning Commissioners to better understand their concerns and to better educate them about The MAP's business operations.

Again, I wish to thank you for the opportunity for The MAP to offer the best and safest possible activities to both youth and adults alike, all within the confines of our Conditional Use Permit.

Respectfully,

Marty Walker

Managing Partner

The MAP Sports Facility

--

Marty Walker

Managing Partner

The MAP Sports Facility

12552 Western Ave.

Garden Grove, CA 92841

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## 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.

**EXHIBIT "A"**

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)

12552 Western Avenue

**REVISED CONDITIONS OF APPROVAL**

(New text in underline and deleted text in ~~strikethrough~~):

**General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record against the subject property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. 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, The Map Sports Facility, 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~~The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. 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.~~
2. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by any necessary permits of licenses required to conduct the use, in compliance with all applicable laws. ~~The approval of CUP-339-11 (REV. 2014) shall be contingent upon City Council approval of Amendment No. A-009-2014.~~
3. Minor modifications to the ~~floor approved plans~~ or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the floor plan or to 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.

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)  
Conditions of Approval

4. The approved site plan, floor plan and the use of the subject property as represented by the Applicant are integral parts of the decision approving this Conditional Use Permit. 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.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

~~4.~~

**Public Works – Environmental Services Division**

6. For any demolition work performed on the site, the processing of all material shall be performed in accordance with local rules and regulations. Garden Grove Disposal shall provide waste containers for demolition materials in accordance with their exclusive franchise agreement with the City of Garden Grove.
- 5.7. Applicant shall reserve an area for a Municipal Solid Waste (MSW) container, recycling container, and organics recycling container (3 cubic feet and 3 separate containers total).

**Building Services and Safety Division**

- 6.8. To operate the proposed "indoor sports facility" on the site, the building improvements including occupancy load shall comply with the California Building Standards Code for the new use including but not limited to: disabled access, minimum plumbing fixtures, and an exit system. All other improvements necessary for improving the site and interior shall also comply with all provisions of the California Building Code.

**Community and Economic Development Department**

- 7.9. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying or changing the present use, shall require the applicant/business owner to obtain the proper entitlements.
- 8.10. At the sports facility site, all practicing and playing of sports shall occur within the building. Hours of operation shall be ~~5:00 p.m.~~8:00 a.m. to ~~10:00~~

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)

## Conditions of Approval

- ~~p.m.11:00 p.m., Monday through Friday and 8:00 a.m. to 10:00 p.m. Saturday and Sundayseven (7) days a week.~~ All games shall be scheduled with a thirty-minute interval between them to allow time for one set of team members to leave the facility before the next teams arrive and therefore, not double the parking demand.
- ~~9.~~ There shall be no tournaments, competitions, or other special events that draw spectators. To add tournaments and other such events to the approved business operation, the business owners shall provide a revised parking study and an operational plan to address the increased demand for parking, security, and/or issues or impacts created by such events. For regularly occurring tournaments or events the applicant shall submit for approval by the Community and Economic Development Department a request to allow for such and be applied on an event by event basis. The applicant can apply for a Special Event permit for a tournament/event that is a one-time addition. In both cases the submittal and approval of a revised parking study and operational plan by the Community and Economic Development Department is required. To engage in a tournament/event, the business owner shall submit plans for review and approval by the Community and Economic Development Department a minimum of 30 days prior to the tournament/event.
- ~~11.~~
- ~~10.~~ A new main entrance to the indoor sports facility shall be constructed on the Western Avenue elevation of the building to provide clear direction and to provide a path for wheelchair access between the sidewalk and the facility. The new entrance shall be included in the building permit for the tenant improvements to construct the indoor courts.
- ~~11.12.~~ The applicant/property owner shall maintain a minimum of ~~191-269~~ parking spaces on the site (184 standard parking spaces, 7 ADA accessible parking spaces, and 78 overflow parking spaces), per the submitted site plan for CUP-339-11 (~~REV. 2014~~)(REV. 2020), that are available to participants at the indoor sports facility. In addition, the applicant shall implement a carpool incentive plan, (the "Green Map Plan") which will allow at least ~~forty-fivesixty-five (45)(65)~~ vehicles carpooling with four (4) or more occupants per vehicle to park on-site for free. The carpool incentive plan is meant to encourage patrons to carpool to the indoor sports facility. The carpool incentive plan shall be in effect and implemented at all times. The overflow parking area, {of 78 parking spaces}, shall be made available to patrons of the indoor sports facility, during any peak times and events, as necessary.

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)  
Conditions of Approval

Due to the nature of the operation of an indoor sports facility with variables in user demand there is the possibility that parking issues may arise. In the event, the site cannot accommodate the parking demand at any given time which causes a nuisance, hindrance, and/or problem with ~~both~~either on-site ~~and~~and/or off-site parking and/or circulation, the business owner/property owner shall devise and implement a plan to relieve the situation. On-site circulation problems refer to parking along designated "red-curb" area, blocking fire lanes, blocking regular drive aisles/double parking and reducing or blocking entrances or exits.

The business owner/property owner shall submit a plan, prepared by a licensed traffic engineer, to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation, limiting the number of courts in use at one time, limiting the number of attendees per tournament or other special event, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation.

If the ~~City's~~ Community and Economic Development Director deems such action is necessary to address parking and/or circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility or revocation of this Conditional Use Permit.

~~12.13.~~ 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 entrance of the establishment, and shall also be visible to the public.

~~13.14.~~ All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.

~~14.15.~~ There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises.

~~15.16.~~ There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.

~~16.17.~~ There shall be no customers or patrons in or about the premises when the establishment is closed.

~~17.18.~~ In the event security problems occur, and at the request of the Police Department, the applicant/business owner, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.

~~18.19.~~ ~~New lighting~~ Lighting shall ~~be added to~~ highlight the main entries into the indoor sports facilities and ~~to~~ provide adequate lighting for ~~the all new and existing~~ parking areas. All lighting structures shall be placed and maintained so as to confine direct rays to the subject property. Lighting levels shall be maintained at a minimum of two foot-candles during hours of operation and a minimum of one foot-candle all other hours of darkness.

~~19.20.~~ Graffiti shall be removed from the premises, and all parking lots under the control of business owner(s) and/or property owner, within 120 hours upon notification/application. Additionally, the applicant/owner shall remove all USA markings from the public right-of-way upon completion of any construction.

~~20.21.~~ Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.

~~21.22.~~ All trash bins shall be kept inside the trash enclosure(s), and gates closed at all times, except during disposal and pick-up. The applicant shall provide sufficient trash bins and pick-up to accommodate the site. Trash pick-up shall be at least once per week~~The applicant/business owner shall submit a revised site plan showing the location of a trash enclosure for approval by the Community Development Department. The applicant/business owner shall be responsible for the construction of a trash enclosure on the site and coordinating with the Garden Grove Sanitary District and their contractor the specifics such as trash pick-up times, number and types of trash receptacles, and locations of the trash enclosures. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. 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/application.~~

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)  
Conditions of Approval

~~22-23.~~ 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.

~~23-24.~~ No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

~~24-25.~~ No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.

~~25-26.~~ Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).

~~26.~~ The applicant/business owner(s) shall submit a sign plan for review and approval by the Community Development Department showing the locations and design for new signs identifying the sports facility and any other directional signs to make the circulation, parking, and loading on the site clear. The applicant/business owner(s) are responsible for obtaining a sign permit and installing the signs prior to beginning operation of the indoor sports facility. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.

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. Signing for the development shall be consistent with that applicable sign development standards for the developments in the M-P (Industrial Park) zone as stated in the City of Garden Grove Municipal Code.

28. A copy of the Resolution and the Conditions of Approval for Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020) shall be kept on the premises at all times.

29. The applicant and business owner shall submit a signed letter acknowledging receipt of the resolution approving Conditional Use Permit No. CUP-339-11

Conditional Use Permit No. CUP-339-11 ~~(REV. 2014)~~(REV. 2020)  
Conditions of Approval

~~(REV. 2014)~~(REV. 2020), and his/her agreement with all conditions of the approval.

30. 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.~~The City at its discretion may review Conditional Use Permit No. CUP-339-11 (REV. 2014) every year order to determine if the business is operating in compliance with the conditions of approval and if further administrative review is required.~~
31. 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.~~Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of CUP-339-11 (REV. 2014).~~
32. 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 ~~Amendment No. A-162-11, Conditional Use Permit No. CUP-339-11, and Conditional Use Permit No. CUP-339-11 (REV. 2014)~~(REV. 2020). 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.
33. ~~Provided the provisions set for in Condition No. 11 and all applicable Building and Fire Code provisions are complied with,~~ The maximum allowable occupancy for the indoor sports facility use shall be limited to a maximum of 516 occupants. This number shall be clearly posted in a conspicuous place within the establishment at all times. The Community and Economic Development Director may direct the applicant to further limit the maximum permitted occupancy if determined to be necessary to comply with applicable Building or Fire Codes and/or to mitigate demonstrated significant adverse



Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)  
Conditions of Approval

impacts on neighboring uses due to insufficient on-site parking availability or use.

34. The indoor snack bar shall provide only pre-packaged foods (i.e., candy bars, chips, popcorn), fountain drinks, bottled drinks, hot dogs, pizza, nachos, pastries, and any other similar items that do not require cooking. The hours of operation of the snack bar will be from ~~5:00 p.m.~~8:00 a.m. to 10:00 p.m.~~11:00 p.m., Monday through Friday, and 8:00 a.m. to 9:00 p.m., Saturday and Sunday~~seven (7) days a week. The indoor snack bar shall be incidental to the main indoor sports facility use.
35. The indoor merchandise store shall sell only items related to the indoor sports facility use such as: clothing, shoes, training equipment, basketballs, backpacks, and socks. The hours of operation of the merchandise store will be from 8:00 a.m. to ~~9:00 p.m.~~11:00 p.m., Saturday and Sunday~~seven (7) days a week.~~ The indoor merchandise store shall be incidental to the main indoor sports facility use.
36. If not already existing ~~¶~~the applicant/operator shall install bike racks on-site to accommodate a minimum of sixteen (16) bicycles. Final location and placement of the new bike racks shall be subject to the review and approval by the Community and Economic Development Department.
37. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).
38. 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-339-11 (REV. 2020) shall become null and void, and the use shall revert back and be subject to Conditional Use Permit No. CUP-339-11 (REV. 2014), 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.
39. The applicant shall not impose a parking fee to patrons of the indoor sports facility during off-peak periods and during weekday daytime hours between 8:00 a.m. to 5:00 p.m.
40. Permitted activities of the indoor sports facility operation shall be limited to the following:

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)  
Conditions of Approval

- a. During off-peak/daytime weekday hours of operation, Monday through Friday between 8:00 a.m. to 5:00 p.m., permitted activities include: youth summer camps (not to exceed 300 participants at any one time) relating to volleyball and basketball sports; senior pickleball league play (not to exceed 8 courts and 32 participants, at any one time); and typical organized instruction, practices, and league play relating to volleyball and basketball sports.
  - b. During off-peak/nighttime weekday hours of operation, Monday through Thursday between 5:00 p.m. to 11:00 p.m., permitted activities include: senior pickleball league play (not to exceed 8 courts and 32 participants, at any one time); and typical organized instruction, practices, and league play relating to volleyball and basketball sports.
  - c. During peak weekend hours of operation, Friday evenings between 5:00 p.m. to 11:00 p.m., and Saturday, and Sunday, between 8:00 a.m. to 11:00 p.m., permitted activities include typical organized instruction, practices, and league play relating to volleyball and basketball sports.
41. The Parking Management Plan ("PMP") approved under Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be implemented during any high/peak demand periods, as necessary, and to ensure the indoor sports facility operation does not cause a nuisance, hindrance, and/or problem with either on-site and/or off-site parking and/or circulation. The PMP shall implement the following mitigation measures:
- a. Implement an on-site two-lane vehicular queuing area, with parking attendant(s) directing drivers, for capacity of at least twenty (20) vehicles, to eliminate on-street vehicular queuing/stacking on Western Avenue;
  - b. Locate the portable parking fee collection kiosk in the center of the property, to allow adequate vehicular queuing space (for twenty (20) vehicles) to eliminate on-street vehicular queuing/stacking on Western Avenue;
  - c. Implement a designated drop-off zone with queuing capacity of at least six (6) vehicles;
  - d. Utilization of parking attendant(s) and adequate signage, as necessary, at nearby sites to prevent patrons, of the MAP Sports Facility, from unauthorized parking on off-site private lots; and

Conditional Use Permit No. CUP-339-11 (~~REV. 2014~~)(REV. 2020)  
Conditions of Approval

e. Control vehicular access entering and exiting the site to ensure effective on-site vehicular circulation (i.e., preventing vehicular ingress from Lampson Avenue or from the northerly driveway approach off Western Avenue).

36.42. 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.

----- Forwarded Message -----

From: "Scott McGuire" <smcguire45@outlook.com>

To: "info" <info@ggcity.org>

Sent: Friday, August 7, 2020 11:40:55 AM

**Subject: Taps Sports Permit # cup-339-11**

Regarding renewal for Maps sports faculty I believe that we need to allow Kids and adults the

opportunity to get out of their homes and get some exercise.

I vote to renew the License

Sent from Mail<<https://go.microsoft.com/fwlink/?LinkId=550986>> for Windows 10

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southeast corner of the intersection of Western Avenue and Lampson Avenue, at 12552 Western Avenue
<b>HEARING DATE:</b> June 4, 2020	<b>GENERAL PLAN:</b> Industrial/Residential Mixed Use 1
<b>CASE NO.:</b> Conditional Use Permit No. CUP-339-11 (REV. 2020)	<b>ZONE:</b> M-P (Industrial Park)
<b>APPLICANT:</b> The Map Sports Facility	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> SDL Warner LLC (Attn: Tracey Barton)	<b>APN:</b> 215-032-01

## **REQUEST:**

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.

## **DISCUSSION:**

At the April 16, 2020 Planning Commission meeting, and pursuant to a request submitted by the applicant, the Planning Commission continued Conditional Use Permit No. CUP-339-11 (REV. 2020) to the June 4, 2020 Planning Commission meeting, with the public hearing open, in order to allow additional time for the applicant to address certain issues that were raised from public comments received by the City of Garden Grove. For reference, the Planning Commission Staff Report dated April 16, 2020, has been attached.

Subsequently, and in response to those issues raised in public comments received by the City of Garden Grove, the applicant has 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. Most notably, the PMP establishes a plan to implement the following measures:

- Implement an on-site two-lane vehicular queuing area, with parking attendant(s) directing drivers, for capacity of up to twenty (20) vehicles, to eliminate on-street vehicular queuing/stacking on Western Avenue;

- Relocate the portable parking fee collection kiosk, from its current location near the front of the southwesterly driveway approach, pushed further into the center of the property, to allow adequate vehicular queuing space to eliminate on-street vehicular queuing/stacking on Western Avenue;
- Create a designated drop-off zone with queuing capacity of approximately six (6) vehicles;
- Place parking attendant(s) and adequate signage, as necessary, at nearby sites to prevent patrons of the MAP Sports Facility, from unauthorized parking on off-site private lots; and
- Control vehicular access entering and exiting the site to ensure effective on-site vehicular circulation (i.e., preventing vehicular ingress from Lampson Avenue or from the northerly driveway approach off Western Avenue).

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.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution approving Conditional Use Permit No. CUP-339-11 (REV. 2020), subject to the recommended Revised Conditions of Approval.

Lee Marino  
Planning Services Manager

Chris Chung  
Urban Planner

Attachment 1: Parking Management Plan Exhibit  
Attachment 2: Planning Commission Staff Report dated April 16, 2020 and Parking Demand Study  
Attachment 3: Planning Commission Continuance Staff Report dated April 16, 2020, Applicant Request for Continuance, and Public Comments Letters Received  
Attachment 4: Planning Commission Resolution No. 5982-20  
Attachment 5: Exhibit "A" Conditions of Approval  
Attachment 6: Applicant Response Letter dated May 22, 2020

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southeast corner of the intersection of Western Avenue and Lampson Avenue, at 12552 Western Avenue
<b>HEARING DATE:</b> August 20, 2020	<b>GENERAL PLAN:</b> Industrial/Residential Mixed Use 1
<b>CASE NO.:</b> Conditional Use Permit No. CUP-339-11 (REV. 2020)	<b>ZONE:</b> M-P (Industrial Park)
<b>APPLICANT:</b> The Map Sports Facility	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> SDL Warner LLC (Attn: Tracey Barton)	<b>APN:</b> 251-032-01

## **REQUEST:**

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.

## **DISCUSSION:**

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. Most notably, the PMP establishes a plan to implement the following measures:

- Implement an on-site two-lane vehicular queuing area, with parking attendant(s) directing drivers, for capacity of up to twenty (20) vehicles, to eliminate on-street vehicular queuing/stacking on Western Avenue;
- Relocate the portable parking fee collection kiosk, from its current location near the front of the southwesterly driveway approach, pushed further into the center of the property, to allow adequate vehicular queuing space to eliminate on-street vehicular queuing/stacking on Western Avenue;
- Create a designated drop-off zone with queuing capacity of approximately six (6) vehicles;

- Place parking attendant(s) and adequate signage, as necessary, at nearby sites to prevent patrons of the MAP Sports Facility, from unauthorized parking on off-site private lots; and
- Control vehicular access entering and exiting the site to ensure effective on-site vehicular circulation (i.e., preventing vehicular ingress from Lampson Avenue or from the northerly driveway approach off Western Avenue).

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.

Copies of all prior public and applicant comments received, along with prior staff reports/documents are attached for reference.



**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Conduct a public hearing and adopt the attached Resolution approving Conditional Use Permit No. CUP-339-11 (REV. 2020), subject to the recommended Revised Conditions of Approval.

Lee Marino  
Planning Services Manager

Chris Chung  
Urban Planner

- Attachment 1: Parking Management Plan Exhibit
- Attachment 2: Planning Commission Staff Report dated April 16, 2020 and Parking Demand Study
- Attachment 3: Planning Commission Continuance Staff Report dated April 16, 2020, Applicant Request for Continuance, and Public Comments Letters Received
- Attachment 4: Applicant Response Letter dated May 22, 2020
- Attachment 5: CSC Public Comment Letter dated June 16, 2020
- Attachment 6: Applicant Response Letter dated June 17, 2020
- Attachment 7: Applicant Letter to the Planning Commission dated June 23, 2020
- Attachment 8: Planning Commission Resolution No. 5982-20
- Attachment 9: Exhibit "A" Revised Conditions of Approval
- Attachment 10: Public Comment Letter dated August 7, 2020

**APPEAL**  
**REQUEST FOR CITY COUNCIL OR PLANNING COMMISSION PUBLIC HEARING**

TO: City Clerk's Office, City of Garden Grove  
11222 Acacia Parkway, Garden Grove, CA 92840  
(714) 741-5040

Pursuant to Section 9.32.110 of the Municipal Code, I hereby appeal the decision of the **Planning Commission / Zoning Administrator** in Case No. CUP-339-11 (REV. 2020), and petition the **City Council / Planning Commission** for a Public Hearing to consider **approving / denying / modifying** the subject application for the following reasons:

Please see the attached letter.

**RECEIVED**

SEP 09 2020

BY: Liz Vasquez  
Deputy City Clerk  
11:39 a.m.

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9/9/2020 

Date: September 8, 2020 Appeal Fee (see reverse): \$100.00

Appellant: Container Supply Company, Inc.

Address: 12571 Western Avenue

City & ZIP: Garden Grove 92841 Phone No.: 714-892-8321 x140

## **TITLE 9 APPEALS**

### **SECTION 9.32.110 PURPOSE**

The purpose of an appeal of a Hearing Body decision is to allow an applicant or an interested party of a land use action who feels aggrieved by the decision to seek review of the case by another imported hearing body.

### **SECTION 9.32.120 TIME FOR APPEAL**

A decision of a Hearing Body on a land use action may be appealed by the applicant or an individual within twenty-one (21) days of the date on which the decision was rendered.

### **SECTION 9.32.130 FILING OF AN APPEAL**

All appeals shall be submitted to the City Clerk on a City application form along with all applicable fees and shall specifically state the basis for the appeal.

### **SECTION 9.32.140 NOTICE OF AN APPEAL**

Notice of an appeal hearing shall conform to the manner in which the original notice was given, as described in Section 9.32.040-100 of this Chapter.

### **SECTION 9.32.150 APPEAL HEARING/DECISION**

- A. The hearing and decision procedures of an appeal shall be in accordance with 9.32.040-100 of this Chapter.
- B. Any modification of a land use action that was appealed by City Council shall be returned to the City Council for review.

Appeal Fee*	
General Plan Amendment	\$350
Amendment	\$350
Site Plan Amendment	\$350
Site Plan	\$350
Variance	\$350
Conditional Use Permit	\$480
Unclassified Use Permit	\$350
Planned Unit Development	\$350

\*Tenants/Owners/Residents within legal notification area (300 feet) the appeal fee is \$100.00.



September 9, 2020

Ms. Teresa Pomeroy  
City Clerk  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA. 92840

Dear Ms. Pomeroy:

The expansion of operating hours for The MAP to be concurrent to operating hours of industrial users in the area goes against the very argument that was used to allow for The MAP to be issued its original conditional use permit.

The original CUP incorporated an amendment to Title 9 to allow a new use, an "Indoor Sports Facility," in the M-P (Industrial Park) Zone, subject to a Conditional Use Permit. The amendment was predicated on the fact that indoor sports facility uses will not operate at the same time as regular business hours; rather the uses will operate after-hours on weekday evening and on the weekends. This measure to limit the operating hours was placed in order to mitigate conflicting operations and to ensure that children were not present in an industrial zone while industrial businesses were in their prime operating hours.

The expansion of operating hours to run concurrent with industrial users goes against the supporting arguments that were used to approve the original CUP.

Furthermore, the original CUP incorporated a modification to Title 9, Chapter 4, Subsection C.9 to include the following definition: "*Indoor Sports Facility*" means an indoor space used by teams to practice sports or engage in league/club play most often during weekday evening and weekend days. The very reasoning for adding the language to limit Indoor Sports Facility to weekday evenings and weekend days was to ensure that non-industrial uses would not conflict with industrial uses in an industrial zone.

Section 9.16.020.050: Special Operating Conditions and Development Standards was also modified to add specific standards for an "Indoor Sports Facility." *At no time shall an indoor sports facility impede the normal functions of the permitted uses in the zone in which it is located.* In point of fact, CSC has filed numerous complaints with Code

12571 Western Avenue  
Post Office Box 5367  
Garden Grove, California 92846-0367  
714-892-8321 562-594-0937  
FAX 714-892-3824  
[www.containersupplycompany.com](http://www.containersupplycompany.com)



Enforcement on weekdays during our normal operating hours of business when The MAP was concurrently operating, wherein our normal functions were impeded upon.

Trying to be good neighbors, the number of complaints we filed were not as frequent as the number of times that we witnessed cars lined up on Western Avenue waiting to enter the facility during our normal operating hours, the number of times The MAP patrons have parked on our facility and ran across the street to avoid being charged the parking toll more frequently than we care to remember. When we confront The MAP patrons who park in our parking lot or use our shipping area as drop off points, most often, we are met with disregard for private property. We have all but given up until this CUP was brought to our attention to extend the operating hours. We were not aware of the permitted hours of operation under the CUP, but had we known, we would have likely made more calls to the City. Their violations of operating hours were not brought to our attention until we received notice from the City that The Map was applying for extended hours. Their use of the facility during concurrent hours of our operation were so frequent, we assumed they had permission to operate concurrently.

The MAP cites one incident where CSC allowed a few of its employees to park on site on a weekend to attend a game at The MAP. This was one incident that we have voluntarily owned and they make attempts to blanket all weekend parkers as CSC employees. Nothing can be further from the truth.

Allowing for expansion of hours would create a dangerous situation for surrounding businesses. Truck drivers on Western Avenue understand that this is an industrial zone and do not expect children to dart into the street. It has happened and will continue to happen.

Now that we know the permitted hours of operation, it is clear The MAP has consistently violated its original CUP. Their permitted operating hours have been ignored for a long period of time. According to The MAP's Facebook advertisements dated September 22, 2015 and July 6, 2018, The MAP was in violation of its own CUP, as they hosted tournaments starting from 8 am on weekdays. Commissioner Lindsay attested on June 18, 2020 that their posted hours of operation on their front door were in violation of the allowed operating hours. The MAP countered that this was due to the hardship posed by COVID-19 and that the hours inconsistent with permitted hours were for soft openings. This is a false statement. They have been operating in violation of their permitted hours for a long period of time, well before the advent of COVID. The wear and tear of the signage that stated hours of operations as Mon – Fri 9am – 11pm, as witnessed by Commissioner Lindsay (*"The stickers on the window did not appear to be very new"*) as well as our observation being immediately across the street, will attest

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Garden Grove, California 92846-0367  
714-892-8321 562-594-0937  
FAX 714-892-3824  
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to its long standing violation of operating hours. Another commissioner texted his wife during the hearing and asked her what time she normally takes their child to The MAP on weekdays and she responded 4:30, a time that was not permitted. When he asked if there were teams playing before she arrived, she responded, yes. It was further stated that this was the case for the last two years. Finally, an audit of their reservation schedule would bear witness to the falsehood of the statement that their early openings were for soft opening purposes or were COVID related.

When responding to why they were in violation of the granted CUP, the owner of The MAP, Marty Walker, stated, *"We had a small hiccup. We've been closed for three months... We had some private schools that needed assistance since Next Level closed in mid and late afternoon, and I guess that would be the reasoning we stepped out of the zone for a very minute time."*

There were two problems with this statement. The first issue is The MAP was in operation outside of the allowed hours during the first CUP meeting in June. In August, Marty stated they have been closed for three months. There is no evidence to suggest that The MAP has ever been in compliance with the CUP. To reward the applicant with expanding their hours of operation seems unreasonable. The second issue is that they did not violate the CUP for a *"minute time."* They were in violation since 2015, and they advertised the hours on their own Facebook website. There is no evidence to prove that The MAP was ever in compliance with the CUP.

In response to a commissioner's statement regarding his experience living next to another indoor sports facility, Next Level, dealing with the weekend parking that flooded the high school nearby and the residential neighborhoods with patrons who did not want to pay the parking toll, The MAP's representative stated, *"There is a difference between location of Next Level and the location of The MAP in an industrial park. There was so much adjacency to Next Level and residential, school that it was so convenient for them to park off-site unfortunately interrupting neighborhoods and a byproduct of what went on at Next Level."* CSC may not be a high school or a residential site, but we experience exactly what the commissioner stated. In fact, it is the adjacency of our facility that makes it attractive for patrons of The MAP who wish to avoid paying the parking toll that draws them to park on our private property. The commissioner went on further to state that Next Level had plenty of parking when patrons were flooding his neighborhood. It wasn't for lack of parking that Next Level patrons weren't parking on-site, it was to save money. In the case of The MAP, the same is true. They may have sufficient parking on-site, but there will always be patrons who wish to avoid the parking toll by simply parking across the street on our property.

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There were also actions by Planning Commission that were confusing to say the least.

A commissioner asked, *"Isn't it true that we have the opportunity to modify the conditions...?"* The City Attorney responded, *"the public notice did not put the applicant on notice that the Planning Commission would be considering modifying hours, it would be inappropriate for the Planning Commission to unilaterally take that action."* In conclusion, the Commission called for a follow up hearing scheduled for September 17, 2020.

By the City Attorney's initial response, it would seem that an action by Planning Commission requires proper notice to the public of potential action to be taken. However, on July 16, 2020, a public hearing was held and the Planning Commission changed the date of the follow up hearing from September 17, 2020 to August 20, 2020. Curiously, The MAP representatives were present at this meeting, but no notice was sent out to the public for this action; therefore, we were not able to make comment on this change. If the Planning Commission was aware that this action would be considered, CSC should have been notified so that we too could participate in this process, but we were unaware of this action and only learned of its action after the fact. It seems terribly unfair for The MAP to be placed on notice by the City of a pending action and the rest of the public, who are known to have interest, were not made aware. The lack of notice to the public is not only unfair, but appears to be in direct contrast to the City Attorney's initial statement that actions cannot be taken if proper public notice is not given in advance.

In sum, the consideration to extend the operating hours to coincide with other industrial users in the area creates a dangerous situation for all parties involved. It goes against the very argument that allowed The MAP to operate in an industrial zone – that they would operate only during non-operating hours of the industrial users around it.

We request an appeal to the City Council and that this letter along with all of our previous correspondences to the City be made available to the City Council members.

Cordially,

  
Spencer Hurtt  
President/CEO

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CONTAINER SUPPLY CO., INC.

63688

DATE	INVOICE NO	COMMENT	AMOUNT	DISCOUNT	NET AMOUNT
09/08/20	09082020	FEE TO APPEAL-THE MAP	100.00	.00	100.00

CHECK: 063688 09/08/20 CITY OF GARDEN GROVE

CHK TOTAL: 100.00

THIS DOCUMENT HAS A TRUE WATERMARK AND CAN BE SEEN WHEN HELD TO LIGHT. THIS PAPER IS ALTERATION PROTECTED.

CONTROL NO.	CHECK DATE
063688	09/08/20



CONTAINER SUPPLY CO., INC.

Manufacturer of Metal & Plastic Containers  
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Garden Grove, CA 92841-4012



63688

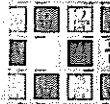
90-3414/1222

\*ONE HUNDRED DOLLARS AND NO CENTS

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ATTN: BUSINESS TAX  
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VOID IF NOT CASHED WITHIN 90 DAYS  
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GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9661-20

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 Western 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 November 10, 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 November 10, 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.

Adopted this 10th day of November 2020.

ATTEST:

/s/ STEVEN R. JONES

MAYOR

/s/ TERESA POMEROY, CMC

CITY CLERK

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

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on November 10, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:	(7)	BRIETIGAM, O'NEILL, NGUYEN D., BUI KLOPFENSTEIN, NGUYEN K., JONES
NOES:	COUNCIL MEMBERS:	(0)	NONE
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

/s/ TERESA POMEROY, CMC

CITY CLERK

## City of Garden Grove

## INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Adoption of a Resolution denying the appeal and upholding the Planning Commission's decision to approve Conditional Use Permit No. CUP-339-11 (REV. 2020). ( <i>Action Item</i> )	Date:	11/10/2020

OBJECTIVE

To conduct a public hearing to consider the Appellant's appeal of the Garden Grove Planning Commission's approval of Conditional Use Permit No. CUP-339-11 (REV. 2020), regarding 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.

BACKGROUND

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 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.

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) 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 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:

- Completion of various building improvements to increase the maximum occupancy (the maximum number of persons allowed in the building) per the California Building Code from 294 occupants to a new maximum of 516 occupants;
- 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);
- 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
- Interior tenant improvements to add a snack and merchandise shop within the indoor sports facility.



## DISCUSSION

**Project Summary:** The MAP Sports Facility ("MAP") is an indoor sports facility where the primary sports played are basketball and volleyball. Condition No. 8 of the Conditions of Approval, under Conditional Use Permit No. CUP-339-11 (REV. 2014), currently restrict hours of operation for the facility to be from 5:00 p.m. to 10:00 p.m., Monday through Friday, and 8:00 a.m. to 10:00 p.m., Saturday and Sunday. 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. It should be noted, Staff did not express concerns with the 1-hour extension to the current closing time from 10:00 p.m. to 11:00 p.m. for weekdays and weekend days. Extending the closing time from 10:00 p.m. to 11:00 p.m. did not impact the projected parking demand or pose potential on- or off-site parking impacts. Most businesses in the nearby industrially zoned areas are closed by 5:00 p.m., during the weekdays, and closed on the weekend. Currently, weekday nighttime activities, during the permitted hours of operation between 5:00 p.m. to 10:00 p.m., typically include organized instruction, practices, and league play relating to volleyball and basketball sports. 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. The following discussion will highlight and address the two (2) new weekday daytime activities of youth summer camps and senior pickleball league.

**Youth Summer Camps:** 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. The specific activities in summer camps include organized instruction, drills, practices, and scrimmages. Typical summer camp schedules will occur Monday through Friday, beginning at 9:00 a.m. and ending at 4:00 p.m. The next typical scheduled activities will begin at 4:30 p.m. (30-40 minutes after any youth summer camps end prior), which will include organized instruction, drills, practices, scrimmages, and league play. It should be noted, the typical activities of a youth summer camp, during weekday daytime hours, will be similar to the current weekday nighttime activities that occur today (i.e., organized instruction, drills, practices, and scrimmages). The difference being that current weekday nighttime activities are comprised of various smaller groups, while a youth summer camp is comprised of a larger, single group of participants (not to exceed 300 participants). On February 28, 2019, the MAP held a "trial session" youth summer camp which took place between 9:00 a.m. and 4:00 p.m. The intent of this trial session was to allow K2 to record observations and measure the anticipated parking demand for a typical summer camp. The "trial session" youth summer camp included 195 participants. Parents dropped off their campers at 9:00 a.m. and later picked them up at 3:30 p.m. Approximately 15% of the participants carpooled to the facility. The number of parked vehicles were noted at thirty (30) minute intervals between 8:00 a.m. to 5:00 p.m. During this trial session, a maximum of 55 parking spaces were in use. Based on these observations, K2 projected that a youth summer camp with 300 participants would require the availability of 80 parking spaces. The subject site currently provides 191 parking spaces. Therefore, during a youth summer camp at full capacity of 300 participants, it is projected that there would be a surplus of at least 111 parking spaces available on-site (additional parking spaces would be available should a given youth summer camp include less than 300 participants).

**Pickleball League:** Pickleball is a paddleball sport which combines elements of tennis, badminton, and table tennis (ping-pong). A pickleball game may include up to two to four players maximum - in a single or doubles style of play (1 versus 1 or 2 versus 2). The dimensions of a pickleball court are slightly smaller than the dimensions of a volleyball court. The MAP Sports Facility has spacing for eight (8) basketball/volleyball courts. It is anticipated that there will be a maximum of eight (8) pickleball courts at any one time. 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. Because the participants of pickleball league play will primarily be comprised of adults, it is anticipated that each participant will drive their own vehicle to the MAP. With eight (8) pickleball courts, and with an assumption that all courts will include doubles play (4 players per game), this would amount to approximately 32 players at any one time. Thus, the expected maximum parking demand for pickleball league play is 32 parking spaces. In the event that a youth summer camp (of 300 participants) ran concurrently with pickleball league play (of 32 participants), both in maximum participant scenarios, out of an abundance of caution, the projected combined parking demand is 112 parking spaces (80 + 32 parking spaces). It should, however, be noted that if a youth summer camp and pickleball league did run concurrently, both activities would not be able to utilize all eight (8) courts at the same time. It is reasonable to assume that the court areas would be shared between the two (2) activities, thus resulting in a smaller youth camp (less than 300 participants) and/or the use of less pickleball courts (less than 8 courts resulting in less than 32 pickleball participants). Therefore, the actual parking demand may be substantially less than 112 parking spaces. Nevertheless, based on a maximum scenario of 112 parking spaces required, the existing 191 parking spaces available on-site would be more than adequate to accommodate this projected parking demand.

**"Green MAP Plan" Carpool Incentive Program:** As mentioned prior, the approval of Amendment No. A-009-2014 and CUP-339-11 (REV. 2014) implicitly authorized the MAP to charge its patrons for parking. The MAP imposes a parking fee during high demand periods such as Friday evenings, weekends, and holidays. Condition No. 11, under CUP-339-11 (REV. 2014), currently states: "The applicant/property owner shall maintain a minimum of 191 parking spaces on the site, per the submitted site plan for CUP-339-11 (REV. 2014), that are available to participants at the indoor sports facility."

In addition, the applicant shall implement a carpool incentive plan, (the "Green Map Plan") which will allow at least forty-five (45) vehicles carpooling with four (4) or more occupants per vehicle to park on-site for free. The carpool incentive plan is meant to encourage patrons to carpool to the indoor sports facility. The carpool incentive plan shall be in effect and implemented at all times." Since the approval of CUP-339-11 (REV. 2014), the MAP has implemented the carpool incentive program. On a typical weekend, K2 observed that as many as 40 of the 45 available carpool spaces were utilized, representing an 89% utilization. The site currently provides 191 parking spaces, which include 45 spaces allocated for carpool parking as part of the MAP's carpool incentive program. 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". It should be noted, the MAP does not charge for parking during off-peak periods. Should CUP-339-11 (REV. 2020) be approved, the MAP will also not charge for parking during weekday daytime hours, and Conditions of Approval will require as such.

**On-Street Parking:** Similar to most indoor sports facilities that charge a parking fee during peak periods, some attendants choose to park off-site. K2 evaluated the use and availability of public parking spaces on nearby public streets. 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, K2 observed 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. K2 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).

**Parking:** Between 2014 to late 2019 (since the approval of CUP-339-11 (REV. 2014)), there had been no reported Code Enforcement cases or complaints received relating to on-site or off-site parking or circulation issues. However, in December of 2019, the Code Enforcement Division received a complaint that patrons of the MAP were accessing parking lots on nearby properties for drop-off and parking purposes. While the current number of available parking spaces on-site (191 parking spaces) is considered adequate, per the MAP's current Conditional Use Permit (CUP-339-11 (REV. 2014)), in order to address any current and future potential parking issues, and as mentioned prior, the applicant is proposing to expand 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. The vehicular access gates to this lot will be fitted with a Knox box for additional emergency access for the Orange County Fire Authority. 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. Again, a total of 65 spaces will be made available for carpool use under the "Green MAP Plan". Under the original approval of Conditional Use Permit No. CUP-339-11, it was determined that a minimum of 156 parking spaces are required for the MAP, which is 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. Staff finds that the additional overflow parking lot, along with the expanded carpool incentive program, will mitigate any potential on- and off-site parking issues.

As a result of this request, Condition No. 11 would be modified, in part, as follows (New text in **bold-italics** and deleted text in strike-through): "The applicant/property owner shall maintain a minimum of ~~191~~ **269** parking spaces on the site (**184 standard parking spaces, 7 ADA accessible parking spaces, and 78 overflow parking spaces**), per the submitted site plan for CUP-339-11 (~~REV. 2014~~) (**REV. 2020**), that are available to participants at the indoor sports facility. In addition, the applicant shall implement a carpool incentive plan, (the "Green Map Plan") which will allow at least ~~forty-five~~ **sixty-five (65)** vehicles carpooling with four (4) or more occupants per vehicle to park on-site for free. The carpool incentive plan is meant to encourage patrons to carpool to the indoor sports facility. The carpool incentive plan shall be in effect and implemented at all times. **The overflow parking area, of 78 parking spaces, shall be made available to patrons of the indoor sports facility, during any peak times and events, as necessary.**"

As a precaution, and to address any potential on- or off-site parking issues that may arise in the future, the remainder of Condition of Approval No. 11 will continue to be maintained, which, in part, states the following: "Due to the nature of the operation of an indoor sports facility with variables in user demand there is the possibility that parking issues may arise. In the event, the site cannot accommodate the parking demand at any given time which causes a nuisance, hindrance, and/or problem with both on-site and off-site parking and circulation, the business owner/property owner shall devise and implement a plan to relieve the situation. On-site circulation problems refer to parking along designated "red-curb" area, blocking fire lanes, blocking regular drive aisles/double-parking and reducing or blocking entrances or exits. The business owner/property owner shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation, limiting the number of courts in use at one time, limiting the number of attendees per tournament or other special event, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation. If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility."

The proposed modifications to the parking lot areas will now delineate a dedicated/separate area, surrounded by fencing and a vehicular access gate, for the existing 20,001 square foot industrial building, located on the southwest corner of the property, which is a separate operator/business unrelated to the MAP Sports Facility. Based on Municipal Code parking requirements, a minimum of 40 parking spaces are required for the 20,001 square foot industrial building. In the dedicated parking area for this building, a total of 40 parking spaces will be provided. The applicant has demonstrated on its submitted plans that adequate parking and truck maneuvering space, for vehicular access to the existing loading areas at the rear of the building, will be maintained. At the April 16, 2020, Planning Commission meeting, and pursuant to a request submitted by the applicant, the Planning Commission continued Conditional Use Permit No. CUP-339-11 (REV. 2020) to the June 16, 2020 Planning Commission meeting, with the public hearing open, in order to allow additional time for the applicant to address certain issues that were raised from public comments received by the City of Garden Grove. Subsequently, and in response to those issues raised in public comments received by the City of Garden Grove, 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. Most notably, the PMP establishes a plan to implement the following measures: Implement an on-site two-lane vehicular queuing area, with parking attendant(s) directing drivers, for capacity of up to twenty (20) vehicles, to eliminate on-street vehicular queuing/stacking on Western Avenue; relocate the portable parking fee collection kiosk, from its current location near the front of the southwesterly driveway approach, pushed further into the center of the property, to allow adequate vehicular queuing space to eliminate on-street vehicular queuing/stacking on Western Avenue; create a designated drop-off zone with queuing capacity of approximately six (6) vehicles; place parking attendant(s) and adequate signage, as necessary, at nearby sites to prevent patrons of the MAP Sports Facility, from unauthorized parking on off-site private lots; and control vehicular access entering and exiting the site to ensure effective on-site vehicular circulation (i.e., preventing vehicular ingress from Lampson Avenue or from the northerly driveway approach off Western Avenue).

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. Following the neighborhood meeting, on August 20, 2020, the Planning Commission considered CUP-339-11 (REV. 2020). One (1) speaker from the public, a representative of the Container Supply Company ("CSC"), spoke in opposition to the project citing similar prior concerns and noted that CSC does not foresee the MAP operating in compliance following the potential approval of CUP-339-11 (REV. 2020). The applicant, and their representative, spoke in favor of the project. No other members of the public spoke in favor of or in opposition to the project. The Planning Commission voted 5-0 (with 1 commissioner absent) to adopt Resolution No. 5982-20, approving CUP-339-11 (REV. 2020), with an amendment to add Condition No. 42, which states: "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."

**Appeal of the Approval of Conditional Use Permit No. CUP-339-11 (REV. 2020):** On September 9, 2020, the Appellant, a representative of the Container Supply Company ("CSC"), filed an appeal of the Planning Commission's approval of Conditional Use Permit No. CUP-339-11 (REV. 2020).

The Appellant attached a letter to the appeal request outlining comments in support of the appeal, noting:

- That the original approval of the Amendment and Conditional Use Permit, allowing the establishment and operation of the indoor sports facility use, was predicated on the fact that said use would not operate during weekday daytime hours, and would not operate during regular business hours of the (primarily industrial business) area – during weekday evenings and on the weekends;

- That special operating conditions for indoor sports facilities prohibit indoor sports facility uses from impeding normal functions of the permitted uses in the M-P zone;
- That CSC has witnessed, on numerous occasions, the stacking of cars on Western Avenue, waiting to access the MAP parking lot, due to the collecting of parking fees;
- That CSC has witnessed MAP patrons parking on the CSC parking lot areas, to avoid paying the MAP's parking fee, and then running across the Western Avenue street;
- That allowing the expanded hours, during weekday daytime business hours, would create a dangerous situation for surrounding businesses, where a potential mix of truck traffic and pedestrians illegally crossing the Western Avenue street would create an unsafe situation; and
- That the MAP has previously operated (held events) during non-permitted business hours.

Copies of all prior public and applicant comments received, along with prior staff reports/documents are attached for reference. Staff has reviewed the appeal request and recommends that the City Council uphold the Planning Commission's decision to approve Conditional Use Permit No. CUP-339-11 (REV. 2020). The basis for Staff's recommendation and the Planning Commission's approval of CUP-339-11 (REV. 2020) are set forth in detail in the following:

- Attachment 1: Parking Management Plan Exhibit
- Attachment 2: Planning Commission Staff Report dated April 16, 2020 and Parking Demand Study
- Attachment 8: Planning Commission Resolution No. 5982-20
- Attachment 9: Exhibit "A" Revised Conditions of Approval
- Attachment 11: Planning Commission Staff Report dated June 4, 2020
- Attachment 12: Planning Commission Staff Report dated August 20, 2020

#### FINANCIAL IMPACT

None.

#### RECOMMENDATION

It is recommended that the City Council:

- Conduct a Public Hearing;
- Adopt the attached Resolution denying the appeal submitted by the Appellant, and upholding the Planning Commission's decision to approve Conditional Use Permit No. CUP-339-11 (REV. 2020).

#### ATTACHMENTS:

Description	Upload Date	Type	File Name
Parking Management Plan Exhibit	9/23/2020	Backup Material	Attachment_1_Parking_Management_Plan_Exhibit.pdf
Planning Commission Staff Report dated April 16, 2020	9/23/2020	Backup Material	Attachment_2_Planning_Commission_Staff_Report_dated_April_16__2020.pdf
Parking Demand Study	9/23/2020	Backup Material	Attachment_2_Parking_Demand_Study.pdf
Trip Generation Memo	9/23/2020	Backup Material	Attachment_2_Trip_Generation_Memo.pdf
Planning Commission Continuance Staff Report dated April 16, 2020	9/23/2020	Backup Material	Attachment_3_Planning_Commission_Continuance_Staff_Report_dated_April_16__2020.pdf
Applicant Request for Continuance	9/23/2020	Backup Material	Attachment_3_Applicant_Continuance_Request_4-8-20.pdf
CSC Public Comment Letter 4-6-20	9/23/2020	Letter	Attachment_3_CSC_Public_Comment_Letter_4-6-20.pdf

Public Comment 3-31-20	9/23/2020	Backup Material	Attachment_3_Public_Comment_3-31-20.pdf
Code Enforcement CR-9162 1-20-20	9/23/2020	Backup Material	Attachment_3_Code_Enforcement_CR-9162_1-20-20.pdf
Applicant Response Letter dated May 22, 2020	9/23/2020	Letter	Attachment_4_Applicant_Response_Letter_5-22-20.pdf
CSC Public Comment Letter dated June 16, 2020	9/23/2020	Letter	Attachment_5_CSC_Public_Comment_Letter_6-16-20.pdf
Applicant Response Letter dated June 17, 2020	9/23/2020	Letter	Attachment_6_Applicant_Response_Letter_6-17-20.pdf
Applicant Letter to the Planning Commission dated June 23, 2020	9/23/2020	Letter	Attachment_7_Applicant_Letter_to_the_Planning_Commission_6-23-20.pdf
Planning Commission Resolution No. 5982-20	9/23/2020	Backup Material	Attachment_8_Planning_Commission_Resolution_No._5982-20.pdf
Exhibit "A" Revised Conditions of Approval (including Planning Commission addendum to add Condition No. 42)	9/23/2020	Backup Material	Attachment_9_Exhibit_A_Revised_Conditions_of_Approval.pdf
Public Comment Letter dated August 7, 2020	9/23/2020	Letter	Attachment_10_Public_Comment_Letter_8-7-20.pdf
Planning Commission Staff Report dated June 4, 2020	9/23/2020	Backup Material	Attachment_11_Planning_Commission_Staff_Report_dated_June_4_2020.pdf
Planning Commission Staff Report dated August 20, 2020	9/23/2020	Backup Material	Attachment_12_Planning_Commission_Staff_Report_dated_August_20_2020.pdf
Appellant's Appeal Filing and Request in Writing dated September 9, 2020	11/3/2020	Letter	Attachment_13_Appellant's_Appeal_Filing_and_Request_in_Writing_dated_September_9_2020_Redacted.pdf
Draft City Council Resolution of Denial	9/23/2020	Resolution	CUP-339-11REV2020CCDraftResoDenial.docx
Applicant Letter dated October 26, 2020	11/2/2020	Letter	11-10-20_Applicant_Letter_to_the_City_Council_dated_October_26_2020.pdf

**REVIEWERS:**

Department	Reviewer	Action	Comments
Community and Economic Development	Kim, Lisa	Approved	AnswerNotes
City Clerk	Pomeroy, Teresa	Rejected	AnswerNotes
Community and Economic Development	Pomeroy, Teresa	Approved	AnswerNotes
City Clerk	Pomeroy, Teresa	Approved	AnswerNotes
City Attorney	Sandoval, Omar	Approved	AnswerNotes
Assistant City Manager	Stipe, Maria	Approved	AnswerNotes
City Manager	Stiles, Scott	Approved	AnswerNotes

**CONDITIONAL USE  
PERMIT REVIEW**

**ATTACHMENTS POST  
CITY COUNCIL  
APPROVAL**

Zimbra

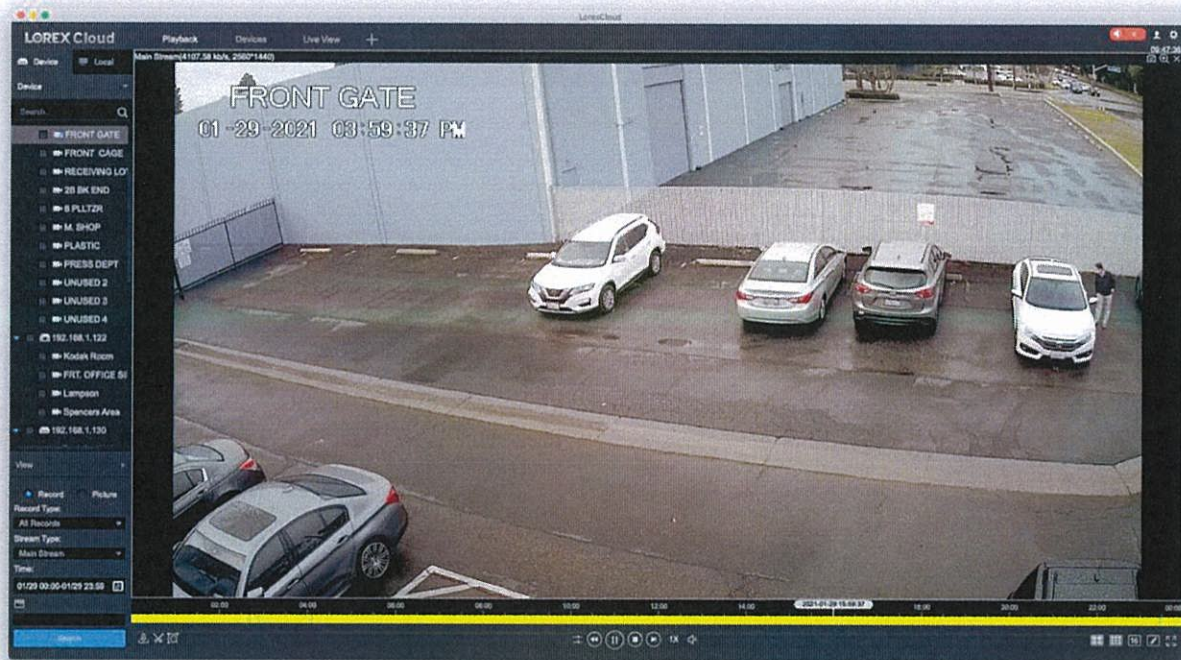
chrisc@ci.garden-grove.ca.us

Re: There is a new mesesage regarding your request.

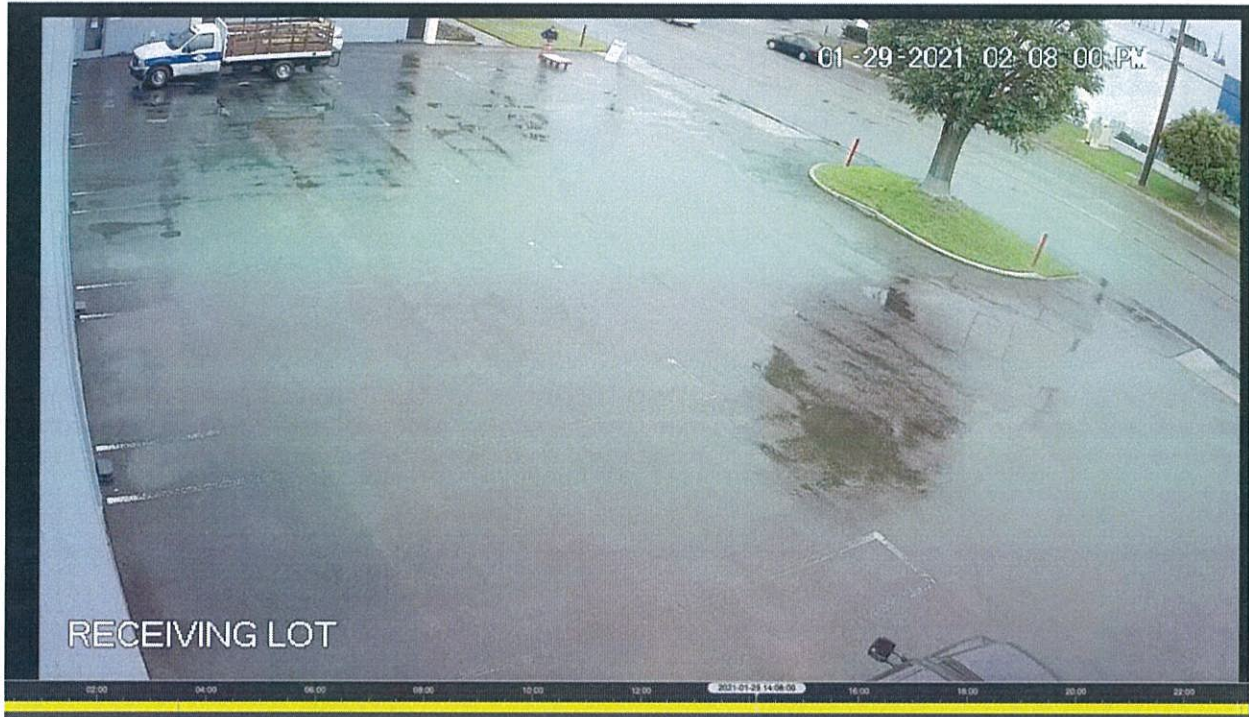
**From :** David Choye <dchoye@cscmfg.com> Fri, Feb 05, 2021 10:07 AM  
**Subject :** Re: There is a new mesesage regarding your request. 📎 3 attachments  
**To :** Chris Chung <chrisc@ggcity.org>  
**Cc :** Lee Marino <leem@ggcity.org>

Most of my video recordings have already been overwritten because of the time that passed since last Friday, but I found a few footages and took screenshots.

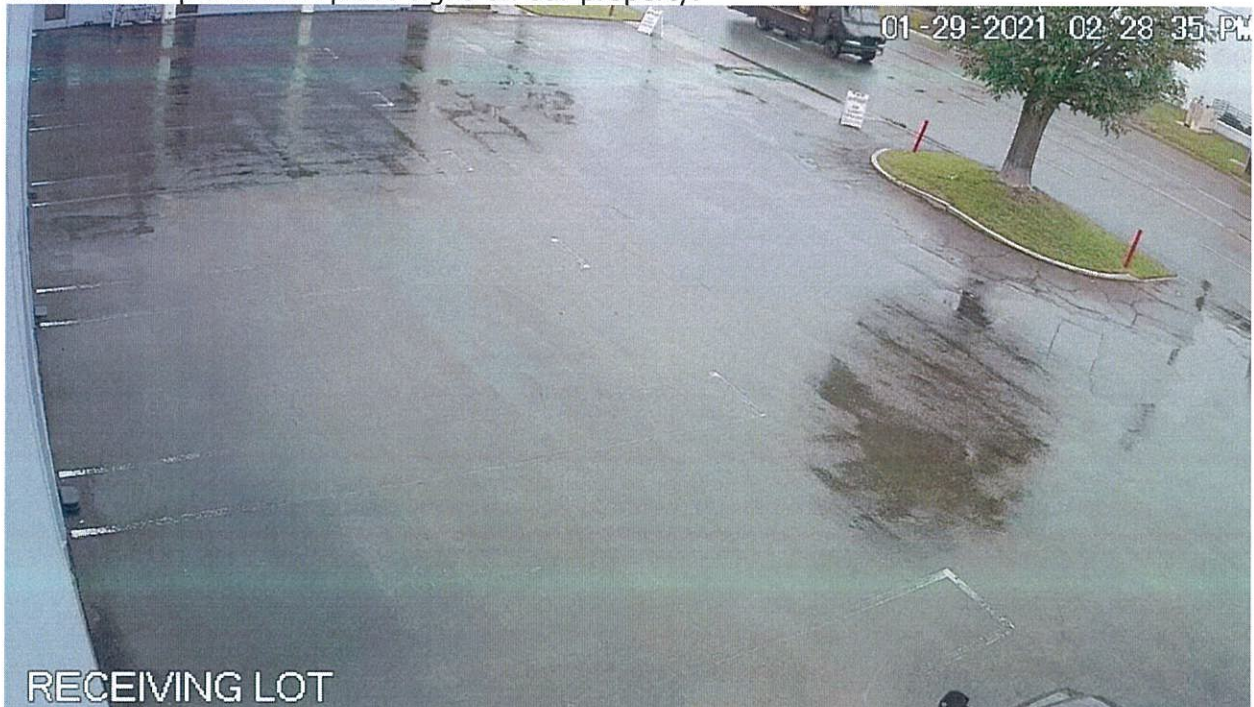
Screenshot 1 is my altercation with a MAPS patron parking in our lot.



Screenshot 2 is MAPS' employee who ran across the street with a cart full of A frame signs that were placed all over our parking lots.



Screenshot 3 is a photo of the A-frame signs on our Warehouse truck loading area. The signs were also placed in front of our main office parking lots. All that the signs do is draw more attention to our lot for those who are trying to avoid the parking toll. They have not asked us for permission place signs on our property.



On Feb 5, 2021, at 8:37 AM, Chris Chung <[chrisc@ggcity.org](mailto:chrisc@ggcity.org)> wrote:

Good morning David,

Regarding the events that occurred on 1/29/21, by chance, would you happen to have any additional information, photos, etc. that could supplement the complaints filed?



**Zimbra****chrisc@ci.garden-grove.ca.us**

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**Parking Issue**

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**From :** David Choye <dchoye@cscmfg.com>

Fri, Jan 29, 2021 02:49 PM

**Subject :** Parking Issue**To :** Chris Chung <chrisc@ggcity.org>

Chris,

The MAP is charging for parking today and we've already had issues with their customers parking in our parking lot. This is going to be an ongoing problem again.

David Choye

---

**Zimbra****chrisc@ci.garden-grove.ca.us**

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**Beligerent and Threatening**

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**From :** David Choye <dchoye@cscmfg.com>

Fri, Jan 29, 2021 04:07 PM

**Subject :** Beligerent and Threatening**To :** Chris Chung <chrisc@ggcity.org>

Chris,

We have The MAP customers who are becoming belligerent and threatening.

Their customers have been parking in our lot throughout the afternoon and we have to ask them to move their cars. I've had one of their customers now threaten me because he was upset I told him he can't park in our parking lot.

I had to call 911 before would move his car.

This is out of control and it's only the first day they're charging for parking.

David Choye

---

Zimbra

chrisc@ci.garden-grove.ca.us

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**Container Company Parking Site**

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**From :** martymap11@gmail.com

Mon, Feb 01, 2021 09:35 AM

**Subject :** Container Company Parking Site

2 attachments

**To :** Chris Chung <chrisc@ggcity.org>, Lee Marino- city gg  
<leem@ggcity.org>, Bret Clawson  
<bretclawson@gmail.com>, Terry Teeple  
<teeple@pacific-teal.com>

Good morning

Chris and Lee

This is exactly what the container company's site looked like over the weekend as well as the past 8 years when remember they Never complained once!

( 2 A frames with caution tape taped across placed in each of their 3 driveways )

Bret and myself were there both days at 6am to make sure that absolutely

No One parked over there!!

So once again this is absolutely Fabricated and

1 Big Lie☞

Please have them produce a picture of their accusations and a copy of the 911 call?

This past Friday we did hold a private event from

3-8:00pm where we charged for parking and there were 50-60 cars in our parking lot Only

And again I was personally there and No One parked across the street

A matter of fact I noticed their employees having to move our A frames in order to leave ( so maybe that's what they are complaining about )

We have all this on video if you need us to produce the proof but I've to admit this going forward is some

Real Crazyiness ☞

Please advise because I see this turning into a

War and would hope the city would put a stop to it!

I would also ask for you to forward these pictures to all the Planning Commissioners?

Thanks again as always and we look forward to your response—





Marty Walker  
Managing Partner  
The MAP Sports Facility  
12552 Western Ave.  
Garden Grove, CA 92841  
(714) 906-5079  
martymap11@gmail.com

**“Natural ability without education has more often raised a man to glory and virtue than education without natural ability.”**

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EXHIBIT 2



EXHIBIT 2



**Zimbra****chrisc@ci.garden-grove.ca.us**

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**Re: Container Company Parking Site**

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**From :** martymap11@gmail.com

Wed, Feb 03, 2021 09:48 AM

**Subject :** Re: Container Company Parking Site**To :** Chris Chung <chrisc@ggcity.org>**Cc :** Bret Clawson <bretclawson@gmail.com>

Hello Chris-

"Approximate" times for each of the volleyball events in February are:

Saturday's 8am to 8pm

Sunday's

8am to 6pm

And there will be

No weekday events where there's a charge for parking. This past Friday was a rarity and if you want I can let you know the next time we have a 3 day weekend event?

Terry had previously stated in the body of our CUP request that we have approximately 3-4 three day weekend events

Per Year/

Oh btw I did check the records from last Friday's event and we literally sold

32 parking tickets 😊 😊

Let me know if you need anything else

'Much Appreciated'

Marty Walker

Managing Partner

The MAP Sports Facility

12552 Western Ave.

Garden Grove, CA 92841

(714) 906-5079

martymap11@gmail.com

**"Natural ability without education has more often raised a man to glory and virtue than education without natural ability."**

On Feb 3, 2021, at 8:24 AM, Chris Chung &lt;chrisc@ggcity.org&gt; wrote:

Good morning Marty,

Thank you for providing the list of upcoming events. Could you also provide the times for the events?

Also, will there be any events during the weekdays (day or night times)?



Regards,

**CHRIS CHUNG****Urban Planner**

City of Garden Grove | Planning Services Division

(714) 741-5314

chrisc@ggcity.org

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**From:** "martymap11" <martymap11@gmail.com>**To:** "chrisc" <chrisc@ggcity.org>**Sent:** Tuesday, February 2, 2021 4:06:38 PM**Subject:** Re: Container Company Parking Site

Hi Chris

Here's our February weekends calendar:

Feb6/7

Just limited activity scheduled due to the SuperBowl

Feb13/14

Girls volleyball event

Feb20/21

Girls/Boys volleyball event

Feb27/28

Girls volleyball event

Marty Walker

Managing Partner

The MAP Sports Facility

12552 Western Ave.

Garden Grove, CA 92841

(714) 906-5079

martymap11@gmail.com

**"Natural ability without education has more often raised a man to glory and virtue than education without natural ability."**

On Feb 1, 2021, at 3:06 PM, Chris Chung <chrisc@ggcity.org> wrote:

Hi Marty,

Could you please forward a schedule of upcoming events at the MAP?

Thanks,

**CHRIS CHUNG**

**Urban Planner**

City of Garden Grove | Planning Services Division

(714) 741-5314

chrisc@ggcity.org

---

**From:** "martymap11" <martymap11@gmail.com>  
**To:** "chrisc" <chrisc@ggcity.org>  
**Cc:** "Lee Marino" <leem@ggcity.org>, "Bret Clawson" <bretclawson@gmail.com>, "Terry Teeple" <teeple@pacific-teal.com>  
**Sent:** Monday, February 1, 2021 12:45:49 PM  
**Subject:** Re: Container Company Parking Site

Hello Chris

One more comment:

We welcome the city at any time at all to come out with a representative or a code enforcement person and view our operations to see we are Completely Complying with our CUP!!

Let me know if this would help our situation—

Thank you

Marty Walker  
Managing Partner  
The MAP Sports Facility  
12552 Western Ave.  
Garden Grove, CA 92841  
(714) 906-5079  
martymap11@gmail.com

**“Natural ability without education has more often raised a man to glory and virtue than education without natural ability.”**

**Zimbra****chrisc@ci.garden-grove.ca.us**

---

**Re: 12552 Western Ave (MAP Sports Facility) - Complaint Received**

---

**From :** martymap11@gmail.com Thu, Feb 04, 2021 04:08 PM  
**Subject :** Re: 12552 Western Ave (MAP Sports Facility) - Complaint Received  
**To :** Chris Chung <chrisc@ggcity.org>  
**Cc :** Lee Marino <leem@ggcity.org>, Bret Clawson <bretclawson@gmail.com>, Terry Teeple <teeple@pacific-teal.com>

Chris

One other note -please have the complainer ( wink wink 😊 ) produce the evidence of their complaints -basically proof there are cars ( identified as MAP patrons ) parked on their property?  
It's completely Not Right! that the city would even entertain falsely produced complaints without facts and evidence to back it up!!  
( Obviously there's a lot riding on this matter )

Marty Walker  
Managing Partner  
The MAP Sports Facility  
12552 Western Ave.  
Garden Grove, CA 92841  
(714) 906-5079  
martymap11@gmail.com

**"Natural ability without education has more often raised a man to glory and virtue than education without natural ability."**

On Feb 4, 2021, at 3:37 PM, martymap11@gmail.com wrote:

Hello Chris

This obviously is a duplicate Complaint from the same party ( container store ) and I already supplied you a response?

With that said that Friday event in reference started between 3:30-4 pm

So at most we violated an hour or so ( big whoop )

We can correct that!

And btw we did implement the parking management plan and will produce the video of it as well as the parking restraints in place across the street

Going forward is the city going to want us to provide over 10+ hours per day of video ( that will be watched and reviewed ) on each weekend?

More information to follow

Thank you

Marty Walker  
Managing Partner  
The MAP Sports Facility  
12552 Western Ave.  
Garden Grove, CA 92841  
(714) 906-5079  
martymap11@gmail.com

**“Natural ability without education has more often raised a man to glory and virtue than education without natural ability.”**

On Feb 4, 2021, at 2:56 PM, Chris Chung <chris@ggcity.org> wrote:

Good afternoon Marty,

The City's Code Enforcement Division received a complaint regarding the MAP Sports Facility, located at 12552 Western Ave. The complaint claims the following:

- That on January 29, 2021 (Friday) at around 4:07PM and earlier in the day, the MAP was charging patrons for parking; and
- That MAP patrons were parking on an off-site private parking lot "all day", and that some MAP patrons were refusing to remove their cars from said lot.

Please provide the following at your earliest convenience:

- A response from the MAP Sports Facility in regards to the complaint received regarding an event held on 1/29/21.
- Please provide any information, evidence, and/or other in response to the complaint received such as logs, photographs, video, etc.
- A response to the complaint received claiming the MAP was charging its patrons for parking on 1/29/21 at 4:07PM and earlier in the day. Note: Condition #39 expressly states the MAP shall not charge for parking on weekdays between the hours of 8:00AM-5:00PM.
- Information/evidence demonstrating the MAP's compliance, during the event held on 1/29/21, with the requirements of the Parking Management Plan, per Condition #41 of the approved Conditions of Approval, which requires the following:
  - a. Implement an on-site two-lane vehicular queuing area, with parking attendant(s) directing drivers, for capacity of at least twenty (20) vehicles, to eliminate on-street vehicular queuing/stacking on Western Avenue;
  - b. Locate the portable parking fee collection kiosk in the center of the property, to allow adequate vehicular queuing space (for twenty (20) vehicles) to eliminate on-street vehicular queuing/stacking on Western Avenue;

- c. Implement a designated drop-off zone with queuing capacity of at least six (6) vehicles;
- d. Utilization of parking attendant(s) and adequate signage, as necessary, at nearby sites to prevent patrons of the MAP Sports Facility from unauthorized parking on off-site private lots; and
- e. Control vehicular access entering and exiting the site to ensure effective on-site vehicular circulation (i.e., preventing vehicular ingress from Lampson Avenue or from the northerly driveway approach off Western Avenue).

The complaint received and information provided by both parties will be shared with the Planning Commission in the upcoming May 2021 meeting to review the MAP's operation and compliance with Conditional Use Permit No. CUP-339-11 (REV. 2020).

Thank you for your immediate attention to this matter. Please let me know if you have any questions.

Regards,

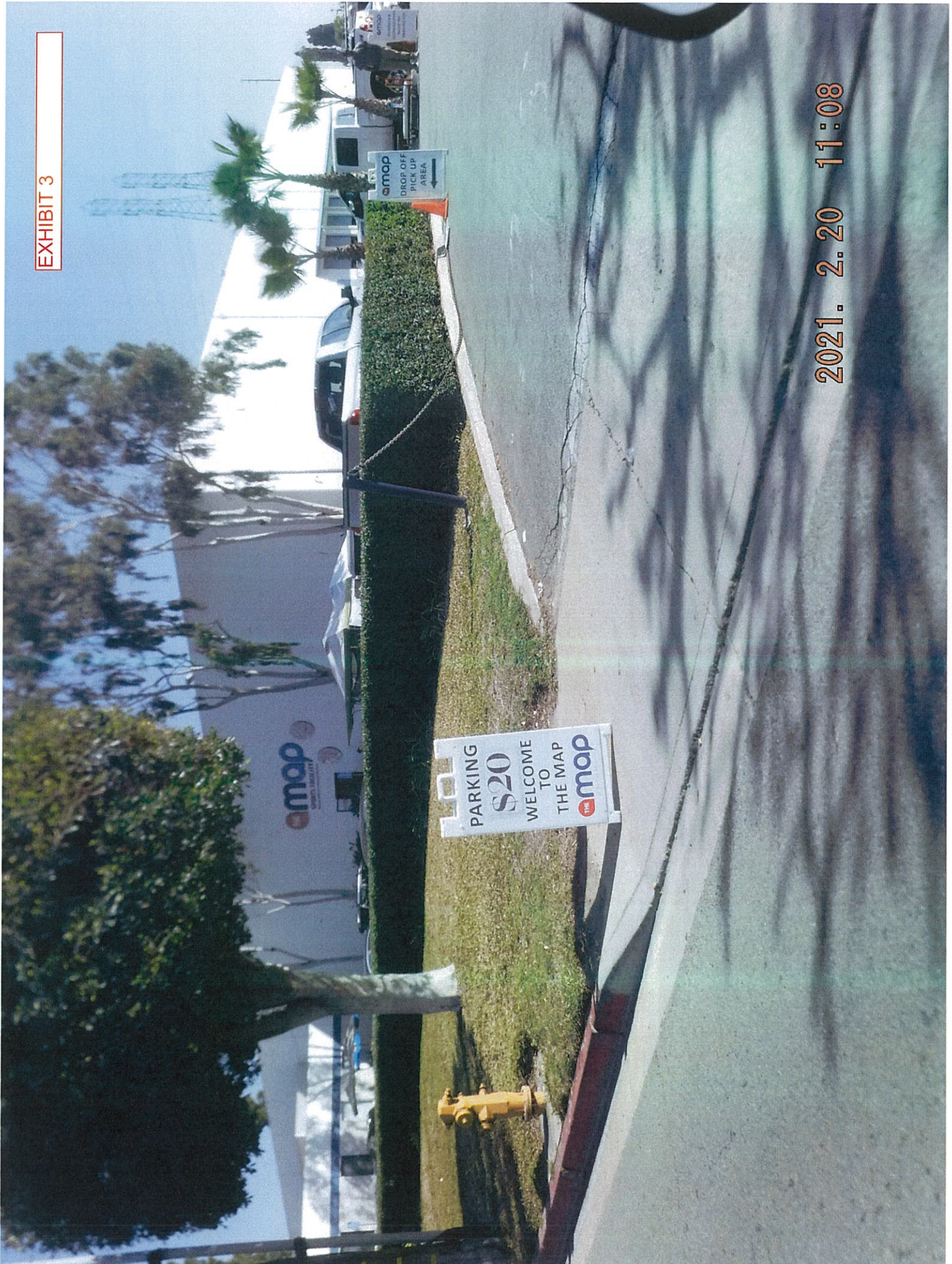
**CHRIS CHUNG**

**Urban Planner**

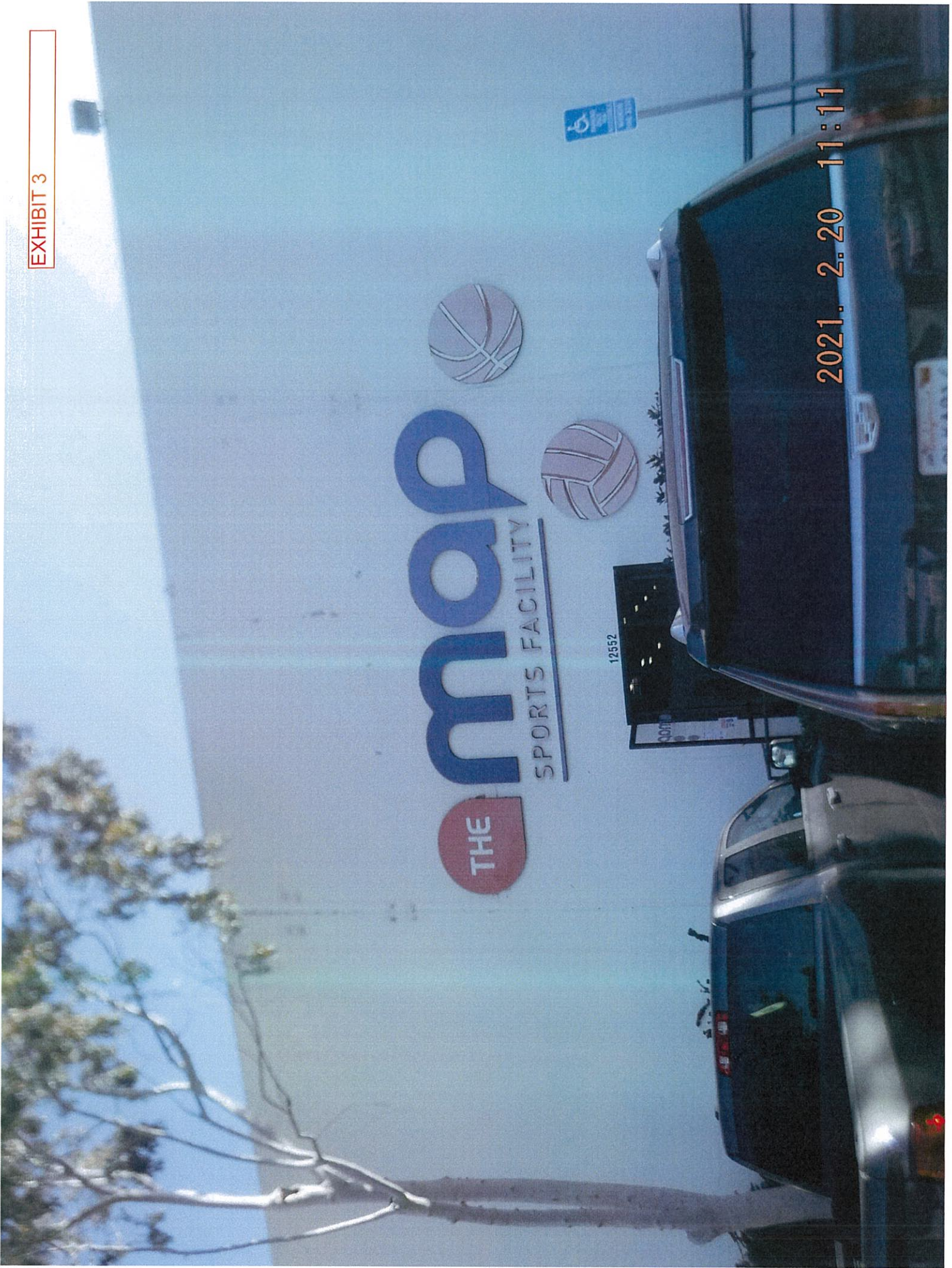
City of Garden Grove | Planning Services Division

(714) 741-5314

chrisc@ggcity.org

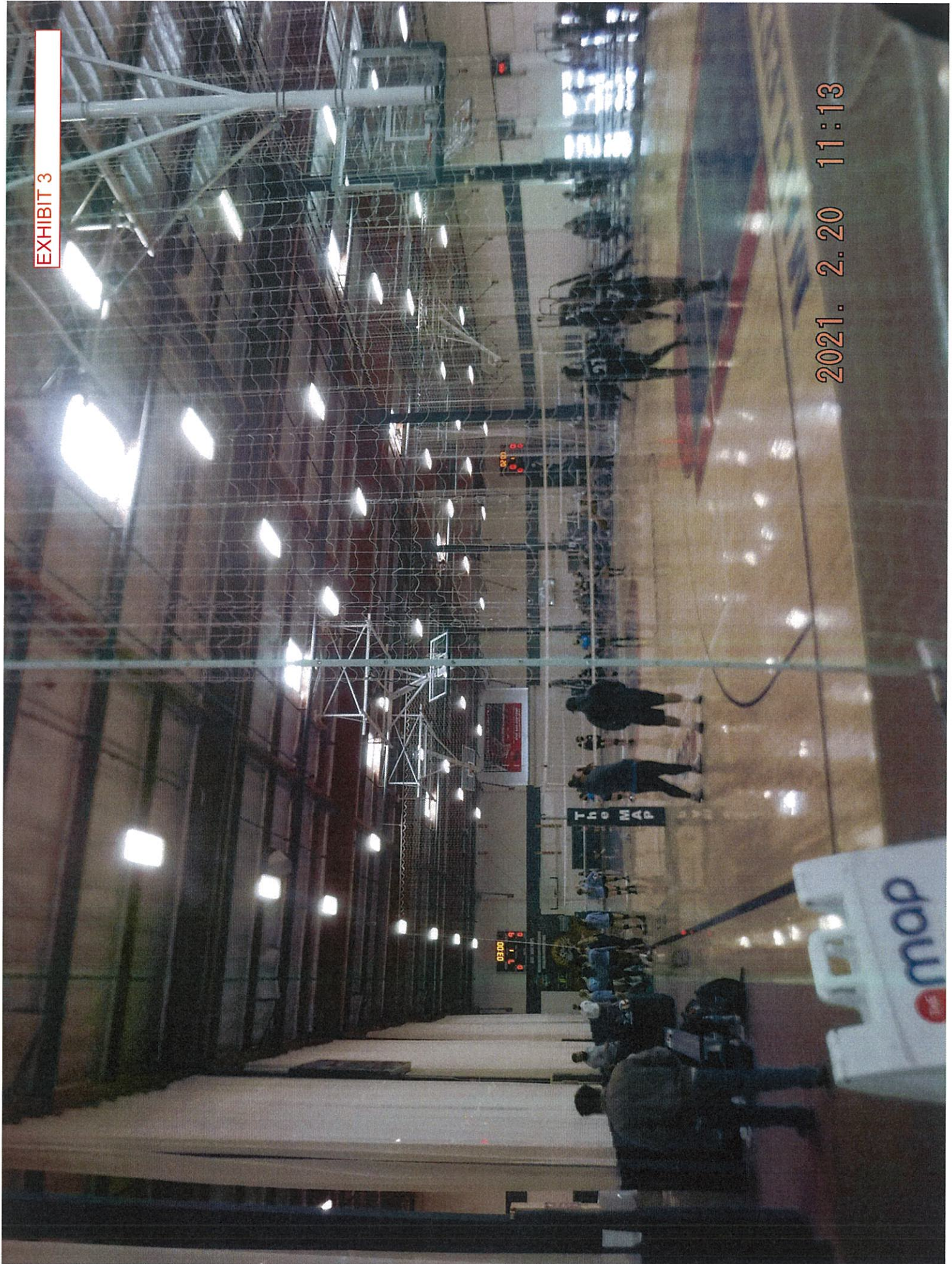


2021. 2. 20 11:08



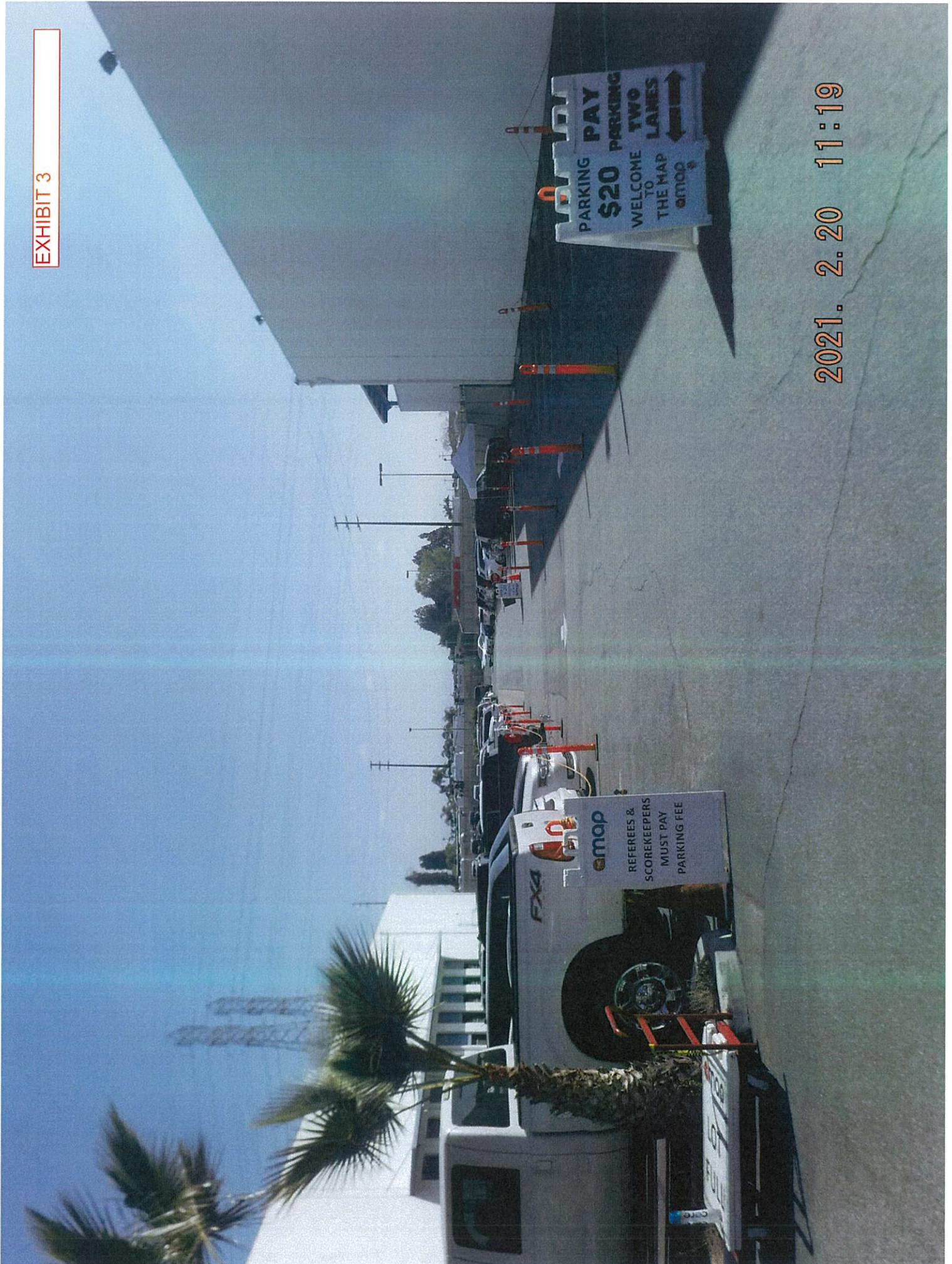
2021. 2. 20 11:11

EXHIBIT 3



2021. 2. 20 11:13





2021. 2. 20 11:19

EXHIBIT 3

CONTAINER SUPPLY C

12571

emap  
NO  
EVENT  
PARKING

2021. 2. 20 11:21

EXHIBIT 3

CONTAINER  
SUPPLY CO.

amap  
NO  
EVENT  
PARKING

2021. 2. 20 11:21



2021. 2. 20 11:22

EXHIBIT 3

CONTAINER  
SUPPLY CO.

10th Highway

emap  
NO  
EVENT  
PARKING

2021. 2. 20 11:22

**Zimbra****chrisc@ci.garden-grove.ca.us**

---

**Fwd:**

---

**From :** martymap11@gmail.com

Sun, Feb 21, 2021 10:56 AM

**Subject :** Fwd:

2 attachments

**To :** Chris Chung <chrisc@ggcity.org>**Cc :** Bret Clawson <bretclawson@gmail.com>

Hello Chris

Just an update

Two GG city representatives came out Saturday and was able to observe our operations and seemed quite pleased

These are a couple photos

1. Is the container company with 3 of their own vehicles parked in places that they normally don't park on the weekends so we are hoping they don't try to say those are from our customers

Plus the city officials witnessed it themselves!

2. Second photo is our new parking management plan layout

I'll send a few other photos from Sunday a bit later

Thanks again for your support—

Marty Walker

Managing Partner

The MAP Sports Facility

12552 Western Ave.

Garden Grove, CA 92841

(714) 906-5079

martymap11@gmail.com

**"Natural ability without education has more often raised a man to glory and virtue than education without natural ability."**

Begin forwarded message:

**From:** 7149065079@mms.att.net**Date:** February 21, 2021 at 10:49:09 AM PST**To:** martymap11@gmail.com

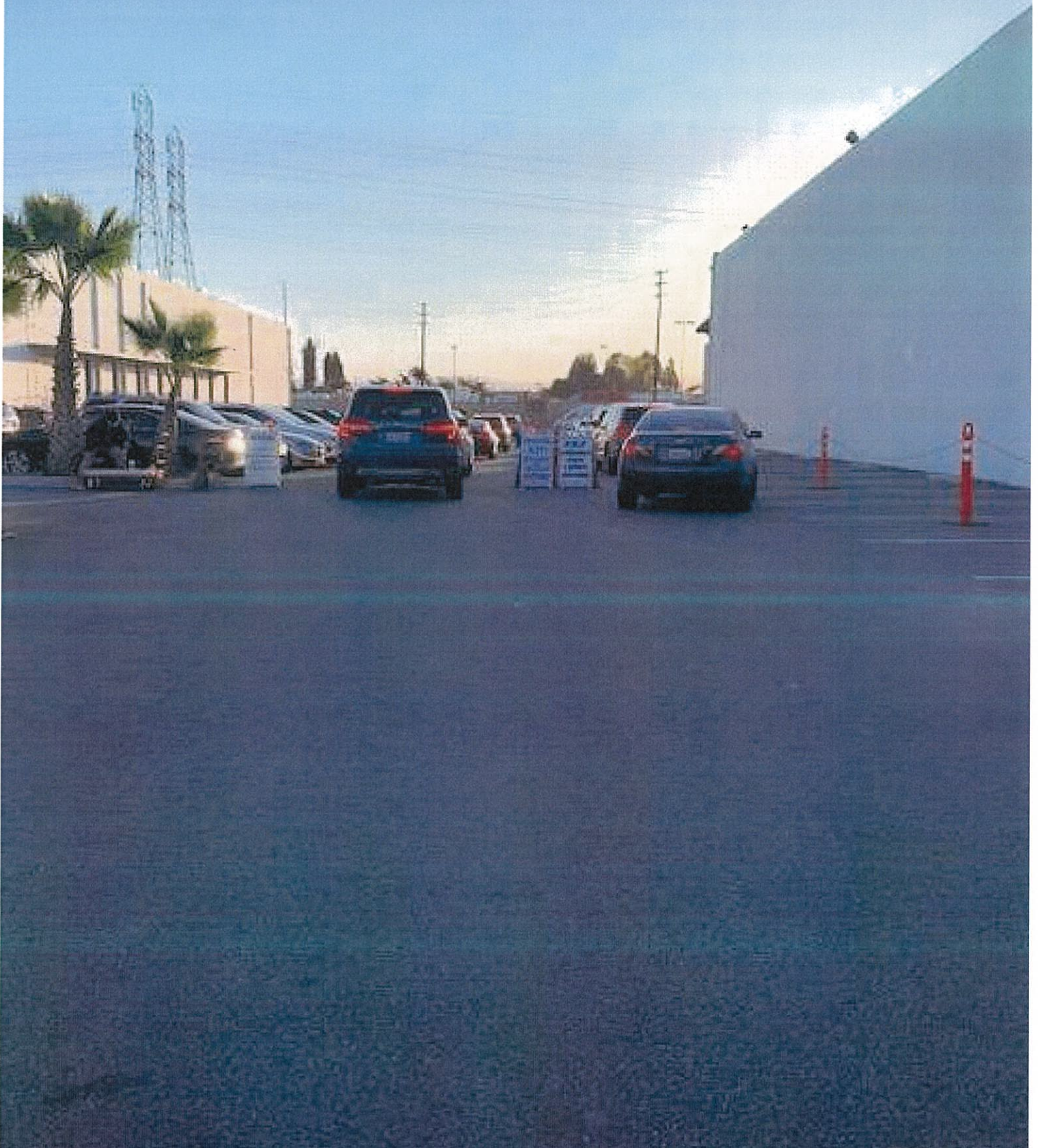


EXHIBIT 4





EXHIBIT 4



02/21/2021 7:02 AM

EXHIBIT 4



02/21/2021 6:58 AM

EXHIBIT 4

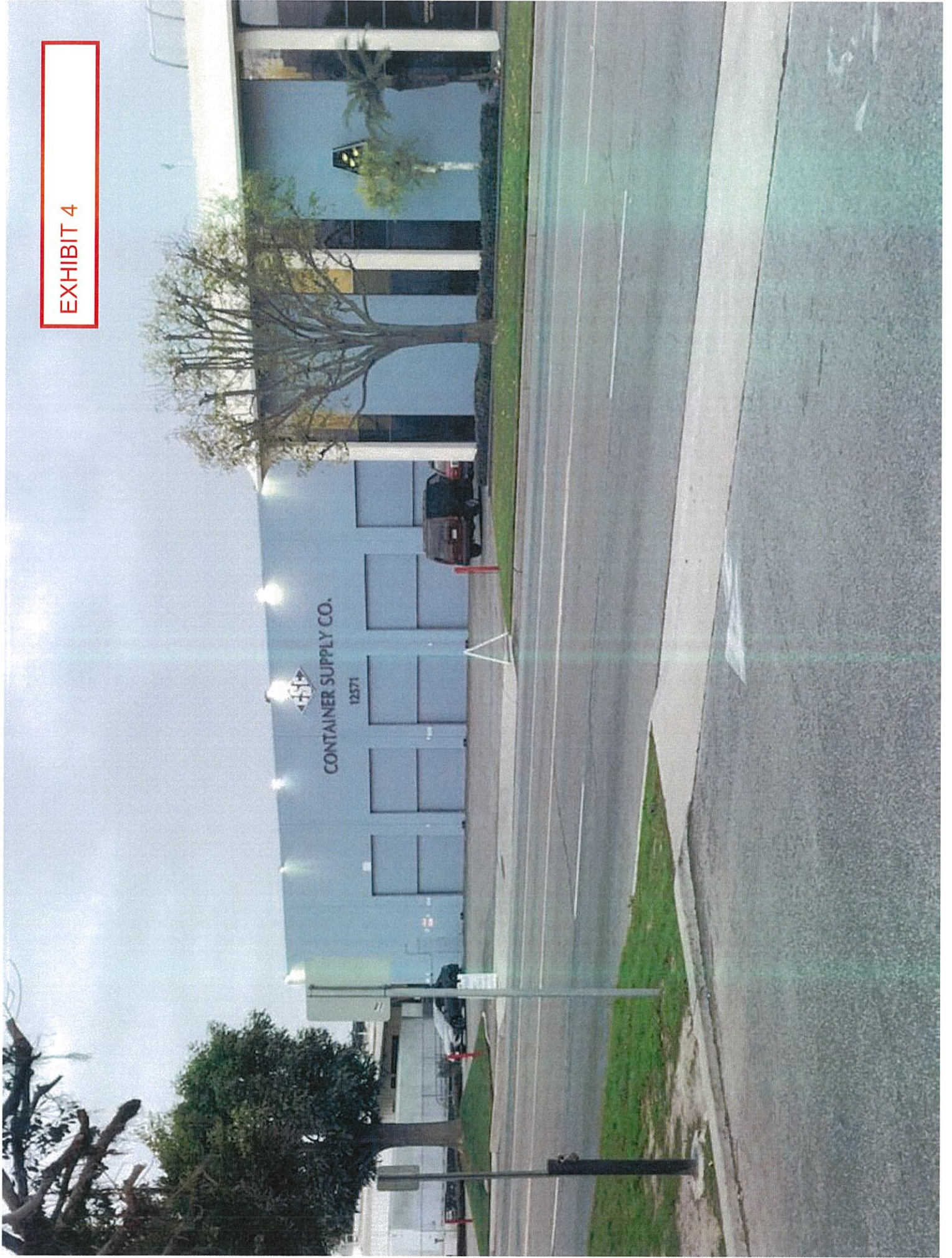


02/21/2021 6:58 AM

EXHIBIT 4

02/21/2021 6:57 AM

EXHIBIT 4




Zimbra

chrisc@ci.garden-grove.ca.us

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**The Map parking on our lot again**

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**From :** David Choye <dchoye@cscmfg.com> Tue, Mar 30, 2021 11:55 AM  
**Subject :** The Map parking on our lot again  2 attachments  
**To :** Chris Chung <chrisc@ggcity.org>

Chris,

Please put in the record that The Map patrons continue to park in our parking lot. Attached are the photos of two cars that came in around 10:08 am and left at 1:19pm.

This is exactly the problem we said would happen and it is happening. It will only get worse as we go into the summer season. That has been our experience in the past and nothing has changed.

The Map puts up their A-frame signs on our parking lot entries at multiple entries (front entry as well as our Shipping Department areas) and will put yellow tape across, but it doesn't deter.

As we go into our summer season, we will be working on weekends and the tape across our parking entry will cause a problem for our employees going in and out. This is a problem for The Map to address, but it is quickly become our problem once again.

If The Map will be permitted to continue to charge for parking, we ask that a condition for The Map be the placement of a security guard dedicated to keeping their patrons off our parking lot. That's the only way we will curb their patrons from parking in our facility.

Please let me know if I need to log this complaint in with Code Enforcement, but I would like this as part of The Map's review for their CUP compliance.

Yours truly,

David Choye



Zimbra

chrisc@ci.garden-grove.ca.us

---

**Re: 12552 Western Ave (MAP Sports Facility) - Complaint Received**

---

**From :** Marty Walker <martymap11@gmail.com> Wed, Mar 31, 2021 06:15 PM  
**Subject :** Re: 12552 Western Ave (MAP Sports Facility) -  
Complaint Received  
**To :** Chris Chung <chrisc@ggcity.org>  
**Cc :** Lee Marino <leem@ggcity.org>, Terry Teeple  
<teeple@pacific-teal.com>, Bret Clawson  
<bretclawson@gmail.com>

Hello Chris,

Let me start by saying on Friday, March 26 we held an event from 5PM - 11PM and charged for parking, which we are allowed to do, per our CUP. Now, in order to start at 5PM, we must set up at 4PM, because customers inevitably arrive before their start time. We would hope that this would be considered a technicality since the business across the street is normally closed by 4PM based on regular observation. We have sent pictures illustrating our A-frames that have caution tape connecting them and blocking the 3 entrances across the street from us, therefore, preventing anyone from parking on their property.

Now, with that said on Saturday, March 27 again all 3 driveways were roped off with caution tape, still 2 cars moved our blockade and parked in one of their lots. We approached the 2 patrons and they proceeded to inform us that they did not have to move, because they were given authorization by The Container Company to park there. And, believe me they were adamant and said they were not going to move. Therefore, they stayed for about an hour and a half. So, there you go. Other than those 2 cars on that particular day, no one parked on their site the whole 2 1/2 days (we have cameras and video to attest to this, if needed). Please remember that we dealt with this back in January 2020 when The Container Company allowed our customers to park on their site and then turned around and complained to the city. This should also be on record from the last Commissioners meeting.

As I have told you before, we welcome the City of GG to come down any time they'd like to observe our operation. In February two members from Code Enforcement (I'm sure it's in the city record) came out, observed, took pictures and seemed pretty impressed with our operation. I have attempted to invite Commissioners Lindsay & Soeffner (since they live in the area) to come out and also observe our operation on any given weekend thinking since we will be meeting with the Commissioners in May that this could possibly end all speculation and put a stop to the complainers across the street!

Thank you for your time.

Marty Walker

On Wed, Mar 31, 2021 at 10:05 AM Chris Chung <[chrisc@ggcity.org](mailto:chrisc@ggcity.org)> wrote:  
Good morning Marty,



Staff received a complaint regarding alleged unauthorized parking of MAP patrons on an off-site lot, occurring on March 26 and 27, 2021 (Friday and Saturday). Additionally, the complaint notes alleged unauthorized imposing of parking fees, during weekday daytime hours (between 8:00 a.m. to 5:00 p.m.), specifically on Friday, March 26, 2021 before 5:00 p.m.

Please provide a response to said complaint. Additionally, please verify if the MAP was charging for parking during the above specified date/time.

Thank you for your immediate attention to this matter.

Regards,

**CHRIS CHUNG**

**Urban Planner**

City of Garden Grove | Planning Services Division  
(714) 741-5314

[chrisc@ggcity.org](mailto:chrisc@ggcity.org)

--

Marty Walker

Managing Partner

**The MAP Sports Facility**

12552 Western Ave.

Garden Grove, CA 92841

(714) 906-5079

[martymap11@gmail.com](mailto:martymap11@gmail.com)

[www.themapsports.com](http://www.themapsports.com) | [www.hoopsunlimited.com](http://www.hoopsunlimited.com) | [facebook.com/hoopsunlimitedoc](https://facebook.com/hoopsunlimitedoc) | [instagram.com/hoopsunlimitedoc](https://instagram.com/hoopsunlimitedoc)

---

Zimbra

chrisc@ci.garden-grove.ca.us

---

**Re: MAP Schedule of Events**

---

**From :** martymap11@gmail.com

Thu, Apr 08, 2021 10:41 AM

**Subject :** Re: MAP Schedule of Events

**To :** Chris Chung <chrisc@ggcity.org>

**Cc :** Bret Clawson <bretclawson@gmail.com>, Terry Teeple <teeple@pacific-teal.com>

Good morning Chris  
Here's the information you requested:

April 10,11  
8:00am-11:00pm  
Basketball event

April 16/ 5:00pm-11:00pm  
April 17,18  
8:00am-11:00pm  
Basketball event

April 23/ 5:00pm-11:00pm  
April 24,25  
8:00am-11:00pm  
Basketball event

May 1,2  
8:00am-11:00pm  
Basketball event

May 7/ 5:00pm-11:00pm  
May 8,9  
8:00am-11:00pm  
Basketball event

May14/ 5:00pm-11:00pm  
May15,16  
8:00am-11:00pm  
Basketball event

May 22,23  
8:00am-11:00pm  
Basketball event

Let me know if you need anything else thx.

Marty Walker  
Managing Partner  
The MAP Sports Facility  
12552 Western Ave.  
Garden Grove, CA 92841  
(714) 906-5079  
martymap11@gmail.com

**"Natural ability without education has more often raised a man to glory and virtue than education without natural ability."**

On Apr 5, 2021, at 9:18 AM, Chris Chung <chrisc@ggcity.org> wrote:

Thank you, Marty.

Additionally, please be advised, the MAP Sports Facility's Conditional Use Permit (CUP-339-11 REV. 2020) will be reviewed by the Planning Commission at the May 20, 2021 Planning Commission meeting.

Please feel free to provide any additional comments/correspondence to Staff that would you like to have forwarded to the Planning Commission for their review. It is recommended that said comments are provided prior to May 12, 2021 to ensure they are provided in the commissioners packets so they have sufficient time to adequately review the comments and information provided.

Best Regards,

**CHRIS CHUNG**

Urban Planner

City of Garden Grove | Planning Services Division  
(714) 741-5314  
chrisc@ggcity.org

---

**From:** "martymap11" <martymap11@gmail.com>  
**To:** "chrisc" <chrisc@ggcity.org>  
**Cc:** "Bret Clawson" <bretclawson@gmail.com>, "Terry Teeple" <teeple@pacific-teal.com>  
**Sent:** Monday, April 5, 2021 9:00:33 AM  
**Subject:** Re: MAP Schedule of Events

Hello Chris

This week I'm out town for Spring Break with my family but will do my best to get you the requested information in the next couple of days  
Thank you,

Marty Walker

Managing Partner  
The MAP Sports Facility  
12552 Western Ave.  
Garden Grove, CA 92841  
(714) 906-5079  
martymap11@gmail.com

**“Natural ability without education has more often raised a man to glory and virtue than education without natural ability.”**

On Apr 5, 2021, at 8:52 AM, Chris Chung <chrisc@ggcity.org> wrote:

Good morning Marty,

At your earliest convenience, could you please provide a schedule of upcoming MAP events up through to the end of May 2021?

Thank you very much.

Regards,

**CHRIS CHUNG**

**Urban Planner**

City of Garden Grove | Planning Services Division

(714) 741-5314

chrisc@ggcity.org

---

Zimbra

chrisc@ci.garden-grove.ca.us

---

**Re: Copies of Correspondence**

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**From :** Marty Walker <martymap11@gmail.com> Mon, Apr 26, 2021 08:57 PM  
**Subject :** Re: Copies of Correspondence 📎 1 attachment  
**To :** Chris Chung <chrisc@ggcity.org>  
**Cc :** Bret Clawson <bretclawson@gmail.com>, Terry Teeple <teeple@pacific-teal.com>

Hello Chris,

We absolutely want you to include all copies of our email responses and all correspondence that we've had in the last 6 months. Also, please consider this our formal email directed to the Planning Commission. One quick question, correct me if I'm wrong, but this meeting with the Planning Commission on May 20 is strictly just to evaluate our parking management plan over the last 6 months and if it has been successful (which it obviously has)?

A few other notes to be considered: we went to the extent to hire a specific parking lot manager to monitor all activity across the street. This includes cameras to identify any false reporting or accusations by CSC. We are willing at the request of the city to provide any footage of any day and any time to prove we are in compliance. Let me also point out that we have dozens of other neighbors who have no issues with The MAP's operations. So, I would hope that the Planning Commission would see this as a bit maddening especially after The MAP received 2 unanimous votes. One from the Planning Commission (5-0) and one from the City Council (7-0). Please let's not forget that the Parking Management Plan was self mitigated and volunteered by us when in nearly 8 years there were never any complaints.

In closing, let me point out that (1) The Parking Management Plan has and will continue to be implemented during events when a parking fee is charged. (2) All aspects of the PMP are working as planned to eliminate on-street queuing. (3) The MAP staff has been trained to take all necessary precautions to prevent The MAP patrons from parking in the CSC's parking lots by positioning A frame signs stipulating "NO EVENT PARKING" with caution tape between preventing anyone from parking in their driveways, and these efforts have proved very successful. (4) The MAP has installed surveillance cameras to continue to demonstrate compliance with all conditions of CUP 339-11 (REV. 2020) and refute frivolous and baseless complaints. (5) The MAP is committed to continue to be an asset to the City of Garden Grove.

Again, Chris, thank you for your help and time.

Marty Walker  
The MAP Managing Partner

On Thu, Apr 22, 2021 at 5:11 PM Chris Chung <[chrisc@ggcity.org](mailto:chrisc@ggcity.org)> wrote:  
| Good afternoon Marty,

Staff is in the process of preparing it's Staff Report to the Planning Commission regarding the 6 month review of the MAP's Conditional Use Permit, which is scheduled for the Planning Commission on May 20, 2021.

I wanted to reach out and check with you if you'd like to include copies of your email responses to Staff regarding the Container Supply Company's (CSC) complaints over the past few months. And/or if the MAP intends to submit a formal letter directed to the Planning Commission.

The Staff Report currently summarizes the information provided in the MAP's responses to CSC's complaints, while also including copies of photographs submitted by MAP.

Regards,

**CHRIS CHUNG**

**Urban Planner**

City of Garden Grove | Planning Services Division  
(714) 741-5314

[chrisc@ggcity.org](mailto:chrisc@ggcity.org)



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Marty Walker

Managing Partner

**The MAP Sports Facility**

12552 Western Ave.

Garden Grove, CA 92841

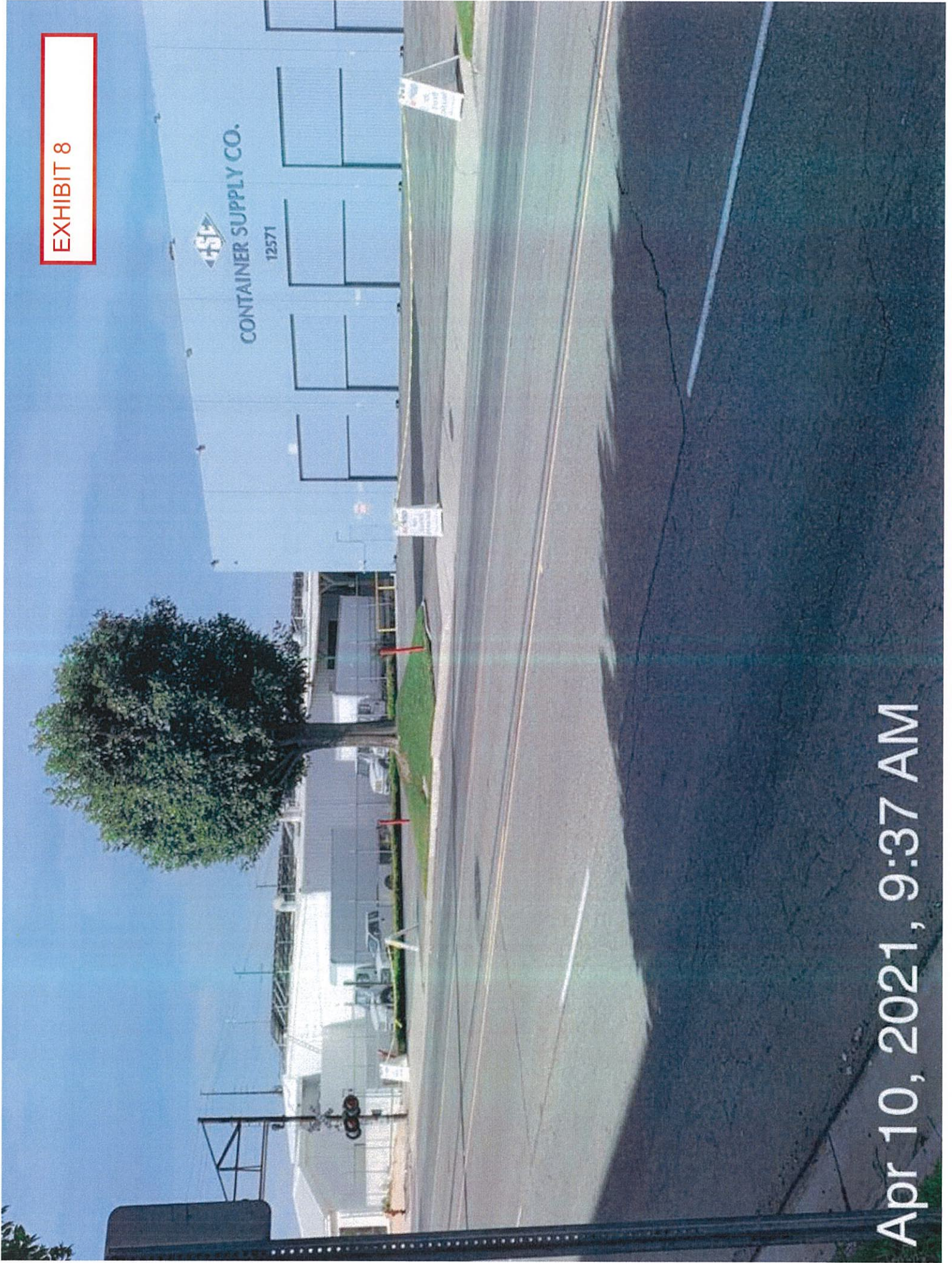
(714) 906-5079

[martymap11@gmail.com](mailto:martymap11@gmail.com)

[www.themapsports.com](http://www.themapsports.com) | [www.hoopsunlimited.com](http://www.hoopsunlimited.com) | [facebook.com/hoopsunlimitedoc](https://facebook.com/hoopsunlimitedoc) | [instagram.com/hoopsunlimitedoc](https://instagram.com/hoopsunlimitedoc)

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EXHIBIT 8



Apr 10, 2021, 9:37 AM

EXHIBIT 8

CONTAINER  
SUPPLY CO.

Apr 10, 2021, 9:37 AM



EXHIBIT 8



CONTAINER SUPPLY CO.

12571



04/24/2021

EXHIBIT 8



04/24/2021

EXHIBIT 8



04/24/2021

EXHIBIT 9



5/ 7/2021 17:05

EXHIBIT 9



5/ 7/2021 17:06

EXHIBIT 9



5/ 7/2021 17:06

EXHIBIT 9



5/ 7/2021 17:06

EXHIBIT 9



5/ 7/2021 17:06

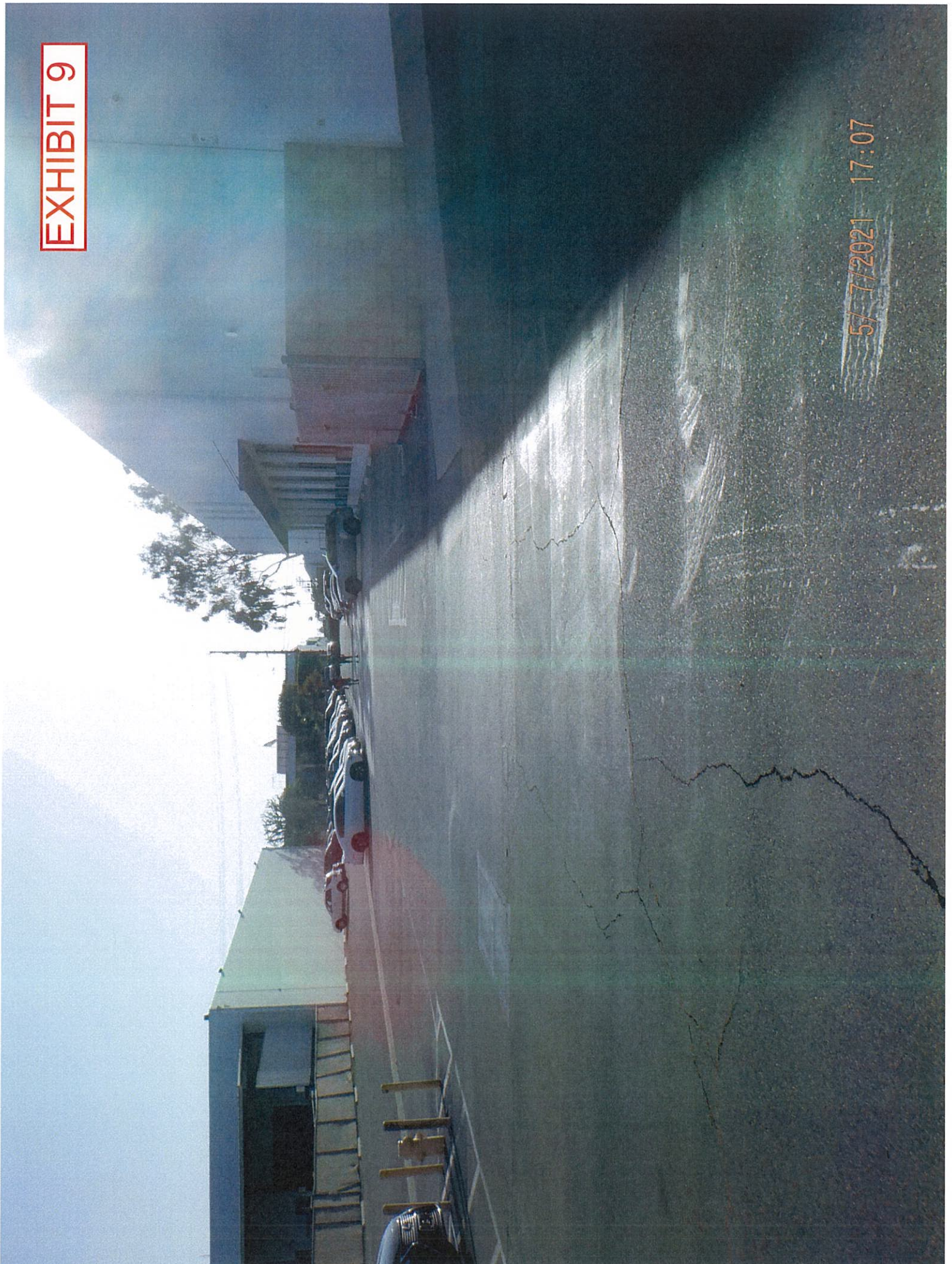


EXHIBIT 9



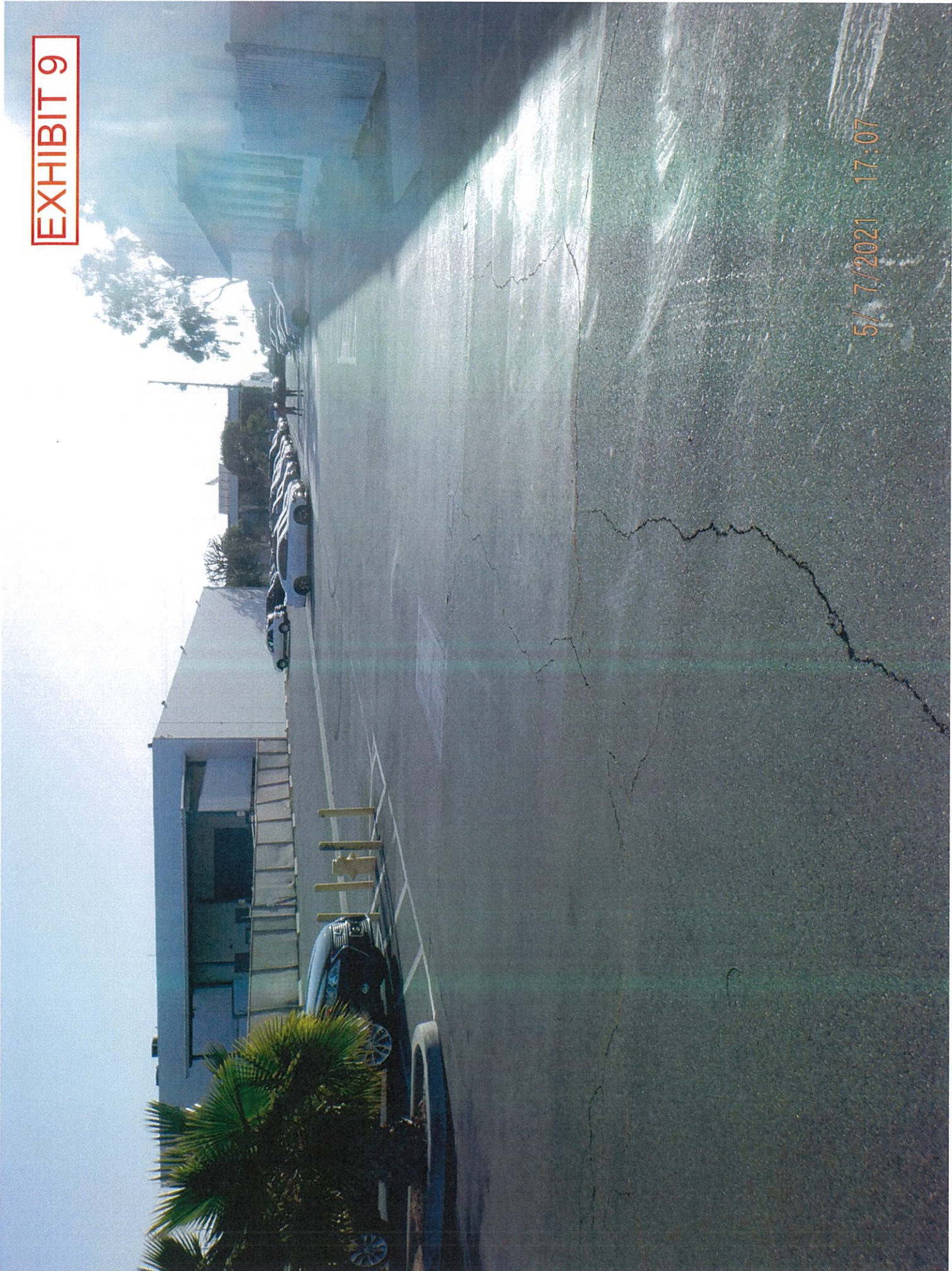
5/ 7/2021 17:06

EXHIBIT 9



5/7/2021 17:07

EXHIBIT 9



5/7/2021 17:07

EXHIBIT 9



5/ 7/2021 17:07

EXHIBIT 9

5/ 7/2021 17:08



EXHIBIT 9



5/ 7/2021 17:08

EXHIBIT 9



5/ 7/2021 17:08

EXHIBIT 9



5/ 7/2021 17:09



# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2.	<b>SITE LOCATION:</b> East side of Monarch Street, between Acacia Avenue and Lampson Avenue, at 12752-12822 Monarch Street
<b>HEARING DATE:</b> May 20, 2021	<b>GENERAL PLAN:</b> Industrial
<b>CASE NO.:</b> Site Plan No. SP-100-2021 & Variance No. V-033-2021	<b>ZONE:</b> M-P (Industrial Park)
<b>APPLICANT:</b> Yemi Alade (Rexford Industrial)	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER(S):</b> Rexford Industrial Realty	<b>APN:</b> 215-021-01, 215-031-10

## **REQUEST:**

A request for Site Plan approval to demolish an existing 98,360 square foot industrial building and construct a new 97,470 square foot industrial building along with associated site improvements, on a property located at 12752-12822 Monarch Street (Assessor's Parcel Nos. 215-021-01 and 215-031-10). Also, a request for Variance approval to deviate from the maximum building height requirement of the M-P (Industrial Park) zone.

## **BACKGROUND:**

The subject site is comprised of two (2) parcels located at 12752-12822 (12752, 12762, 12772, 12782, 12802, and 12822) Monarch Street and is zoned M-P (Industrial Park). The site is improved with an existing 271,591 square foot industrial structure (comprised of two attached buildings). The original 98,360 square foot industrial building, on the southern portion of the site (Assessor's Parcel No. 215-021-01), was originally constructed in 1969. In 1980, a 173,231 square foot industrial building addition was constructed, on the northern portion of the site (Assessor's Parcel No. 215-031-10), attached to the existing 98,360 square foot industrial building.

The applicant is requesting approval to demolish the southern portion of the structure (the original 98,360 square foot portion), and to construct a new 97,470 square foot building addition, in virtually the same location. The new building (97,470 square feet) will be smaller than the existing building (98,360 square feet) in gross floor area. The purpose of the rebuild project is to construct a modern and contemporary building that has a slightly taller interior ceiling height that will

increase the marketability of the building and meet the needs of potential future industrial tenants.

The entire 271,591 square foot building is situated on two (2) separate adjoining properties (Assessor's Parcel Nos. 215-021-01 and 215-031-10). When the 173,231 square foot building addition was approved in 1980, a "Covenant and Agreement to Hold as One Parcel" instrument was required to be recorded on both properties. This Covenant was required for purposes relating to Building Code fire separation requirements between the attached building areas. Additionally, the Covenant, which ties both properties together as one, allows both sites and buildings to function as a single integrated development for Municipal Code parking calculation purposes.

The properties have a General Plan Land Use Designation of Industrial and are zoned M-P (Industrial Park). The properties are adjacent to M-P zoned properties to the north and across Monarch Street, to the west, and an O-S (Open Space zoned) flood control channel to the south and west.

## **DISCUSSION:**

### **SITE PLAN:**

#### **Site Design, Circulation & Floor Plan:**

The applicant is requesting approval to demolish the southern portion of the structure (the original 98,360 square foot portion), and to construct a new 97,470 square foot building (the "new building"), in virtually the same location, attached to the existing 173,231 square foot building (the "existing building") on the northern property.

#### **Site Design and Circulation**

The site will maintain three (3) driveway entry points, all accessed off Monarch Street. The two (2) attached buildings are located in the center of the site, with various parking lot areas along the perimeters. The site will maintain two-way drive aisles throughout, ranging between 25 feet to 47 feet in width, providing adequate backup, maneuverability, and spacing for vehicular circulation. Additionally, adequate backup space is available for loading dock access. A truck maneuvering plan, displaying ingress and egress to and from the site, has been reviewed and approved by the Engineering Division.

### The "New Building"

The interior of the new proposed 97,470 square foot building will consist of open warehouse areas, a 4,000 square foot mezzanine (for potential future office areas), and roll-up doors and loading docks on the east elevation. The entry will be located on the southwesterly corner of the building, facing Monarch Street.

The interior ceiling height of the new building will be 32'-0" (the usable interior ceiling clearance height). The topmost portion of the roof (the interior top portions of the roof) will be 36'-9", sloping downwards to lower building heights to accommodate roof drainage. The topmost portion of the parapet will be 36'-0". All mechanical equipment installed on the roof will not be visible from public vantage points (line of sight) and will also be adequately screened from view.

### The "Existing Building"

The existing 173,231 square foot building, on the northern portion of the site, is comprised of five (5) separate, adjoining, tenant spaces. The existing building will remain the same, with exception of a new interior tenant improvement to add 2,000 square feet of mezzanine/office areas within the "middle unit" (12822 Monarch Street). Therefore, the new gross floor area of the existing building will be 175,231 square feet. A new parking area, near the center of the site, accessed off Monarch Street, will provide twelve (12) additional parking spaces, while also providing patron access to the mezzanine/office areas of the "middle unit". The existing building will remain virtually the same. The applicant is currently in plan check with the City for exterior improvements to update the building elevations to match the proposed new contemporary/modern elevations (exterior finishes) of the new building.

### Parking:

For the integrated development, comprised of the two (2) attached buildings, the Municipal Code parking development standards require a minimum of one (1) parking space per 1,000 square feet of gross floor area. Based on the gross floor area of the existing and new buildings (272,701 square feet), Code requires a minimum of 273 parking spaces. The project provides 298 parking spaces, resulting in a surplus of 25 parking spaces. Therefore, the project complies with the parking requirements of the Municipal Code.

### Landscaping:

The Municipal Code requires a minimum of 23,263 square feet of landscaping for the site. The project will provide a total of 31,996 square feet of landscaping for the site, which exceeds the minimum required by Code. The landscaping for the property will comply with all applicable requirements of the Municipal Code. On-site

landscape planting will include a wide variety of plant material such as, but not limited to: golden rain tree, western redbud, canary island pine, dwarf agave, fortnight lily, fruitland silverberry, red yucca, Mexican feather grass, surfer New Zealand flax, dwarf bottlebrush, and blue chalk stick. All planting areas will be watered by means of an automatic irrigation system meeting the City's requirements for water conservation. The applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code, which includes the City's Landscape Water Efficiency Guidelines.

Building Design:

The design of the new building is contemporary and will consist of varying exterior finishes that include fiber cement panels, Vitro Solargray glass, clear anodized aluminum, and a warm color palette. As mentioned prior, the existing building (on the northern portion of the site) is currently in plan check with the City to update the building with similar exterior finishes to ensure architectural compatibility between the two (2) attached buildings.

FINDINGS REQUIRED TO APPROVE VARIANCE:

In order for the proposed project to move forward, the applicant is requesting consideration of a Variance from Section 9.16.040.030 (Industrial—General Requirements) of Title 9 of the Municipal Code for a deviation to the maximum building height permitted in the M-P (Industrial Park) zone, in order to facilitate the construction of the proposed building. The maximum building height permitted in the M-P zone is 35 feet. The interior ceiling height of the new building will be 32'-0". The topmost portion of the roof (the interior top portions of the roof) will be 36'-9", sloping downwards to lower building heights to accommodate roof drainage. The topmost portion of the parapet will be 36'-0".

Pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6, in order to grant a property owner's request for a Variance, the Planning Commission must make each of the following five (5) findings:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

Approval of this Variance will allow the project to deviate from the maximum building height (35 feet) of the M-P (Industrial Park) zone, in order to facilitate the construction of the new building. With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, parking, and

landscaping. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City.

Other properties in similar industrial type zones, in the same zone or in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular. However, the subject site is atypical in shape (triangular), which significantly limits the ability to develop and improve the property with a development in a traditional manner and in compliance with all M-P zone development standards. The proposed development is constrained by the existing conditions (i.e., the triangular shape of the property), which limits the feasibility for horizontal expansion, thus creating a need for more vertical racking space. As the supply for excess land continues to diminish, the natural progression in the market necessitates more vertical expansion (and the need for raised building heights), where current market demands call for a minimum 32-foot interior ceiling height to provide increased storage capacity. Furthermore, increased building heights lead to more vertical racking, enhanced fire sprinkler systems, and more expansive commodity storage types, which may attract high quality tenants in the community. The foregoing, that further lot acquisition in a built-out community to accommodate horizontal expansion is impractical, and that the proposed project is otherwise consistent with the standards and intent of the M-P (Industrial Park) zone, constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in similar zones, the same zone, and neighborhood.

2. That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but which is denied to the subject property.

To construct the proposed building, the Variance to deviate from the maximum building height (35 feet) allowed in the M-P (Industrial Park) zone is necessary to facilitate the development and improvement of the property, which otherwise meets all other Municipal Code development standards such as, but not limited to, building setbacks, parking, and landscaping. Other properties within immediate vicinity of the subject lot, and within other similar zoned properties throughout the City, have existing similar type buildings that exceed the maximum 35-foot building height allowed M-P zone. Within the same vicinity of the subject lot, an industrial building located at 12821 Knott Street, which is a similar zoned property (Industrial Planned Unit Development) provides a building height (39'-0" to top of roof and 40'-0" to top of parapet), which exceeds the 35-foot building height requirement of the M-P zone. Accordingly, approval of the proposed Variance will not set a

precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the Industrial Park and other similar zoned properties in the City. With exception to the requested Variance to deviate from the maximum building height limitation, the proposed project complies with all other development standards of the M-P zone.

3. That the granting of a Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

Approval of this Variance will allow the project to deviate from the maximum building height (35 feet) of the M-P (Industrial Park) zone, in order to facilitate the construction of the new building, for the purposes of providing a modern and contemporary industrial building that provides for increased vertical racking space to meet the current market demands for increased storage capacity. The approval of this Variance will allow a 36'-9" building height (to the topmost portion of the roof), which is less than two feet (2'-0") above the maximum building height (35 feet) allowed in the M-P zone. The Variance will not affect surrounding properties (which are developed with existing industrial uses) given that the subject lot is not within close proximity to sensitive uses (e.g., residential, schools, parks). Other properties within immediate vicinity of the subject lot, and within other similar zoned properties throughout the City, have existing similar type buildings that exceed the maximum 35-foot building height allowed M-P zone. Within the same vicinity of the subject lot, an industrial building located at 12821 Knott Street, which is a similar zoned property (Industrial Planned Unit Development) provides a building height (39'-0" to top of roof and 40'-0" to top of parapet), which exceeds the 35-foot building height requirement of the M-P zone.

The project will be required to comply with all applicable building and life safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City departments in order to ensure compliance with all applicable Municipal Code provisions. Provided the project complies with the Conditions of Approval, the approval of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

4. That the granting of such Variance will not adversely affect the City's General Plan.

The General Plan does not impose a building height limitation. Therefore, the proposed minor building height Variance (of less than two feet above the

35-foot maximum building height limitation of the zone) will not adversely affect the General Plan. Approval of this Variance will allow the project to deviate from the maximum building height (35 feet) of the M-P (Industrial Park) zone, in order to facilitate the construction of the new building, for the purposes of providing a modern and contemporary industrial building that provides for increased vertical racking space to meet the current market demands for increased storage capacity. The Municipal Code is a tool used to implement the goals of the General Plan. The proposed project furthers the desired character and use of the Industrial General Plan Land Use Designation, which is intended to create, maintain, and enhance industrial areas characterized by general industrial uses, such as warehousing and distribution or business parks, and more intensive industrial uses, such as manufacturing, fabrication, assembly, processing, trucking, warehousing and distribution, and servicing. The project achieves this by proposing a modern and contemporary building architecture and future uses that will comply with the intent of the Industrial General Plan Land Use Designation and the M-P (Industrial Park) zone. It should be noted, the General Plan does not provide maximum building height limitations – ensuring that the requested Variance (to the maximum building height) does not conflict with or adversely affect the General Plan. Additionally, the proposed project meets the spirit and intent of the General Plan and furthers the following goals, policies, and implementation programs:

Goal LU-7, which identifies the City's industrial areas as an important contributor to a well-planned community and for the jobs and economic impacts they provide. The proposed project will replace the existing outdated building with a modern and contemporary building that meets the needs of the current industrial market by providing increased vertical racking space for additional interior storage capacity. The proposed project will ensure that the City maintains healthy and competitive industrial areas contributing to a well-planned and well-maintained community.

Implementation Program LU-IMP-7B, which strives to require improved maintenance and rehabilitation of industrial buildings and sites, as necessary. The project Conditions of Approval will remain in perpetuity for the life of the development, and will ensure that the property is well-maintained and will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. Additionally, the project proposes enhanced exterior elevations which are aesthetically pleasing, which will foster high quality, contemporary industrial areas in the community.

The proposed project will be consistent with the spirit and intent of the General Plan furthering its goals, policies, and implementation programs, while also helping meet the community's need for competitive industrial

facilities in its industrial zoned areas. Therefore, the granting of the requested Variance will not adversely affect the City's General Plan.

5. That approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Provided the Conditions of Approval are adhered to for the life of the project, approval of the subject Variance will not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated.

To construct the proposed building, the Variance to deviate from the maximum building height (35 feet) allowed in the M-P (Industrial Park) zone is necessary to facilitate the development and improvement of the property, which otherwise meets all other Municipal Code development standards such as, but not limited to, building setbacks, parking, and landscaping. Other properties within immediate vicinity of the subject lot, and within other similar zoned properties throughout the City, have existing similar type buildings that exceed the maximum 35-foot building height allowed M-P zone. Accordingly, approval of the proposed Variance will not grant a special privilege that is inconsistent with the limitations upon other property owners located in the Industrial Park and other similar zoned properties in the City. With exception to the requested Variance to deviate from the maximum building height limitation, the proposed project complies with all other development standards of the M-P zone

Other properties in similar industrial type zones, in the same zone or in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular. However, the subject site is atypical in shape (triangular), which significantly limits the ability to develop and improve the property with a development in a traditional manner and in compliance with all M-P zone development standards. The proposed development is constrained by the existing conditions (i.e., the triangular shape of the property), which limits the feasibility for horizontal expansion, thus creating a need for more vertical racking space. As the supply for excess land continues to diminish, the natural progression in the market necessitates more vertical expansion (and the need for raised building heights), where current market demands call for a minimum 32-foot interior ceiling height to provide increased storage capacity. Furthermore, increased building heights lead to more vertical racking, enhanced fire sprinkler systems, and more expansive commodity storage types, which may attract high quality tenants in the community. The foregoing, that further lot acquisition in a built-out community to accommodate horizontal expansion is impractical, and that the



proposed project is otherwise consistent with the standards and intent of the M-P (Industrial Park) zone, constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in similar zones, the same zone, and neighborhood. Accordingly, approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in similar zoned properties in the City.

In addition, Condition of Approval No. 2 states in part, "The rights granted the applicant pursuant to Variance No. V-033-2021 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-100-2021, and these Conditions of Approval (as they may be amended from time to time) continue to exist on the Site. In the event that that Site Plan No. SP-100-2021 is not exercised within one year of approval (or the length of any extension approved by the City), or the improvements authorized and contemplated by Site Plan No. SP-100-2021 are demolished and not re-established within one year of demolition, Variance No. V-033-2021 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards." Therefore, granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Staff believes the record contains sufficient facts to support approval of the applicant's Variance request. Accordingly, Staff has prepared for the Commission's consideration a draft resolution approving the proposed Variance request, in conjunction with the Site Plan request, subject to the specified Conditions of Approval.

California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 2, Replacement or Reconstruction (CEQA Guidelines §15302).

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Approve Site Plan No. SP-100-2021 and Variance No. V-033-2021, subject to the recommended Conditions of Approval.



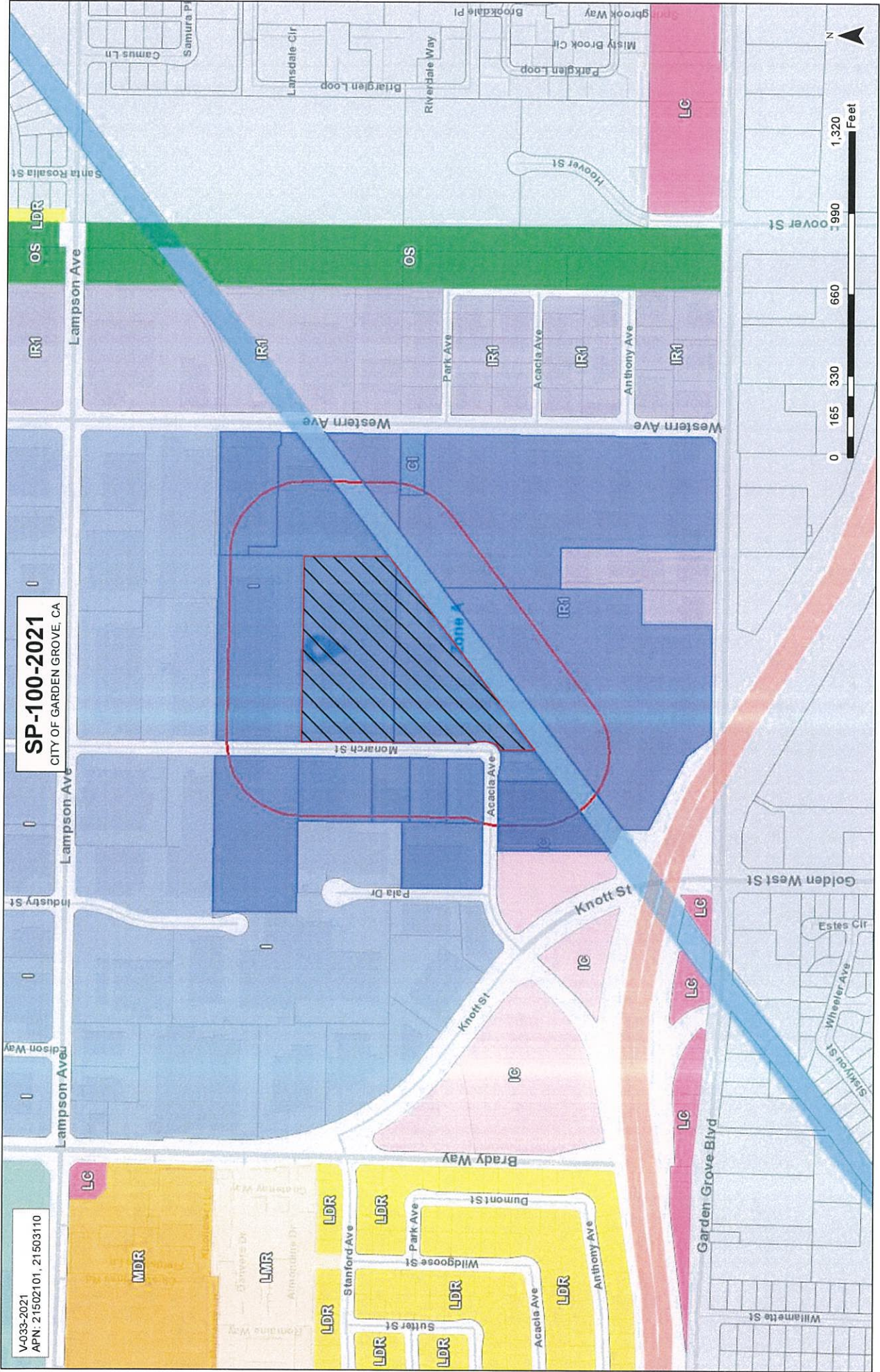
Lee Marino  
Planning Services Manager



By: Chris Chung  
Urban Planner

V-033-2021  
APN: 21502101, 21503110

**SP-100-2021**  
CITY OF GARDEN GROVE, CA











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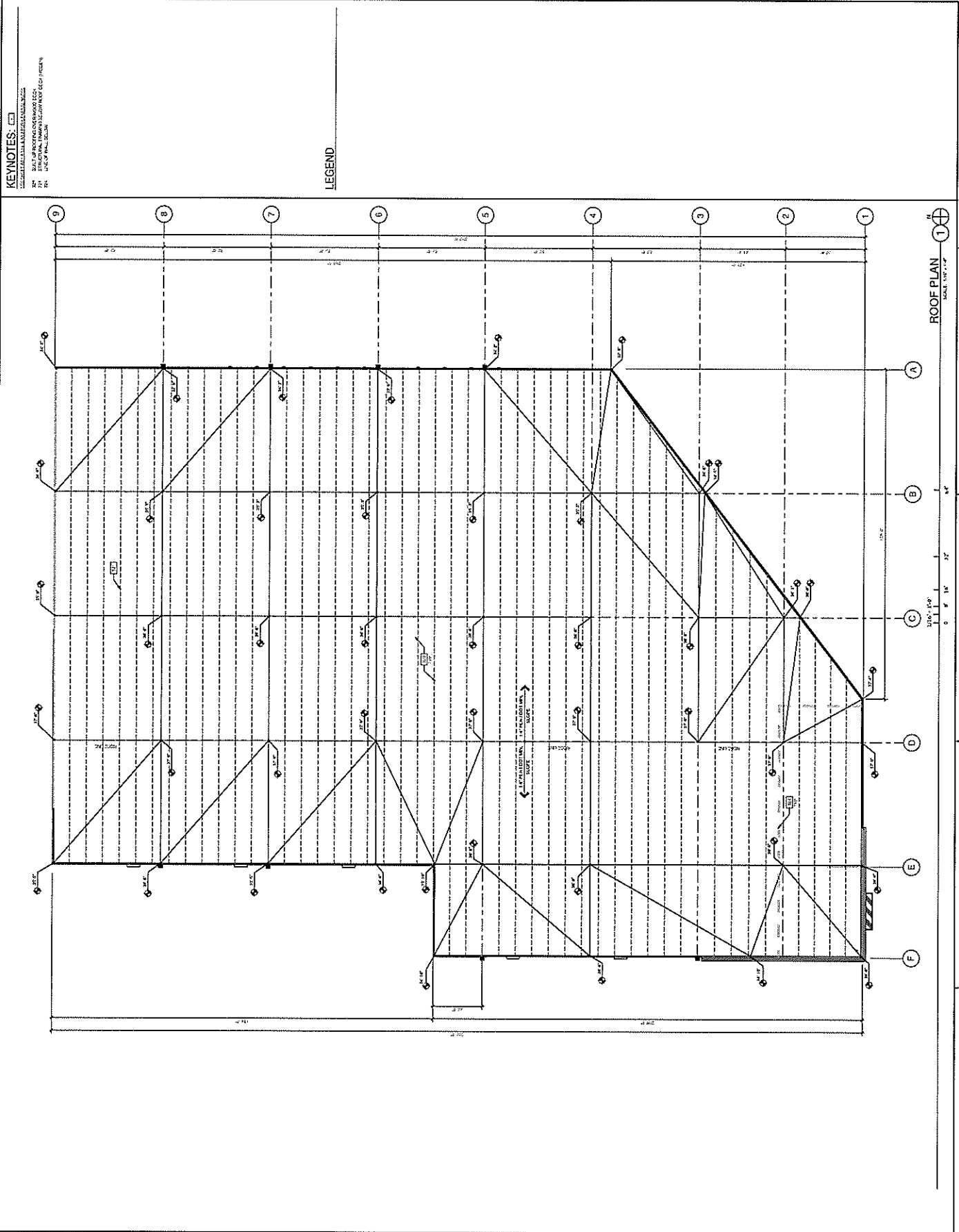
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12783 MONARCH ST.	
GARDEN GROVE, CALIFORNIA 92841	
ROOF PLAN	
DATE: 5/15/2014	
DRAWN BY: JAN/CL	
CHECKED BY:	
SCALE:	
PROJECT NO.:	
SHEET NO.:	
SHEET TOTAL:	

**REXford**  
**Industrial**



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 ENGINEER  
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 LEED ACCREDITED PROFESSIONAL  
 12783 MONARCH ST.  
 GARDEN GROVE, CA 92841  
 TEL: 949.441.1111  
 WWW.REXFORDBUILDINGS.COM

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**KEYNOTES:**

1. SEE ARCHITECTURAL DRAWINGS FOR FINISHES AND MATERIALS.
2. ALL TRUSS MEMBERS TO BE 4x12 LVL.
3. ALL TRUSS JOINTS TO BE 1/2\"
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20. ALL TRUSS MEMBERS TO BE 4x12 LVL.

**LEGEND**

- 1. TRUSS MEMBER
- 2. TRUSS JOINT
- 3. TRUSS BRACE
- 4. TRUSS HANGAR
- 5. TRUSS SUPPORT
- 6. TRUSS CONNECTION
- 7. TRUSS DETAIL
- 8. TRUSS SECTION
- 9. TRUSS ELEVATION
- 10. TRUSS PLAN
- 11. TRUSS ROOF PLAN
- 12. TRUSS STRUCTURAL PLAN
- 13. TRUSS MECHANICAL PLAN
- 14. TRUSS ELECTRICAL PLAN
- 15. TRUSS PLUMBING PLAN
- 16. TRUSS HVAC PLAN
- 17. TRUSS FIRE PLAN
- 18. TRUSS SAFETY PLAN
- 19. TRUSS ACCESS PLAN
- 20. TRUSS MAINTENANCE PLAN

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ROOF PLAN  
 SHEET 1 OF 2





PROJECT NO.	1782-2017-02
DRAWN BY	LS
DATE	08/02/2017
SCALE	AS SHOWN
REVISIONS	

PERPECTIVE VIEWS	
DATE	08/02/2017
DRAWN BY	LS
PROJECT NO.	1782-2017-02
SCALE	AS SHOWN
REVISIONS	

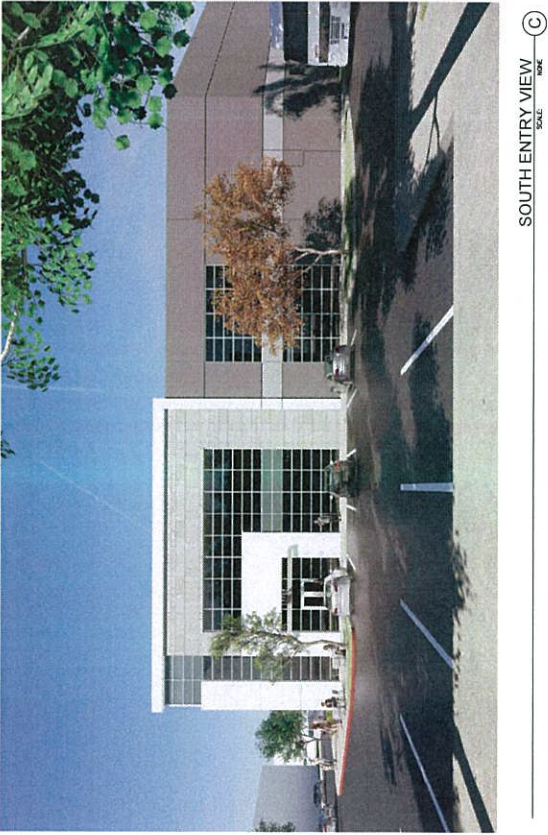
**REXFORD MONARCH**  
 12782 MONARCH STREET  
 GARDEN GROVE, CA 92841



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**(B)** SOUTH / WEST ENTRY VIEW  
 SCALE: 1/8" = 1'-0"



**(C)** SOUTH ENTRY VIEW  
 SCALE: 1/8" = 1'-0"



**(A)** SOUTH / WEST PERSPECTIVE  
 SCALE: 1/8" = 1'-0"

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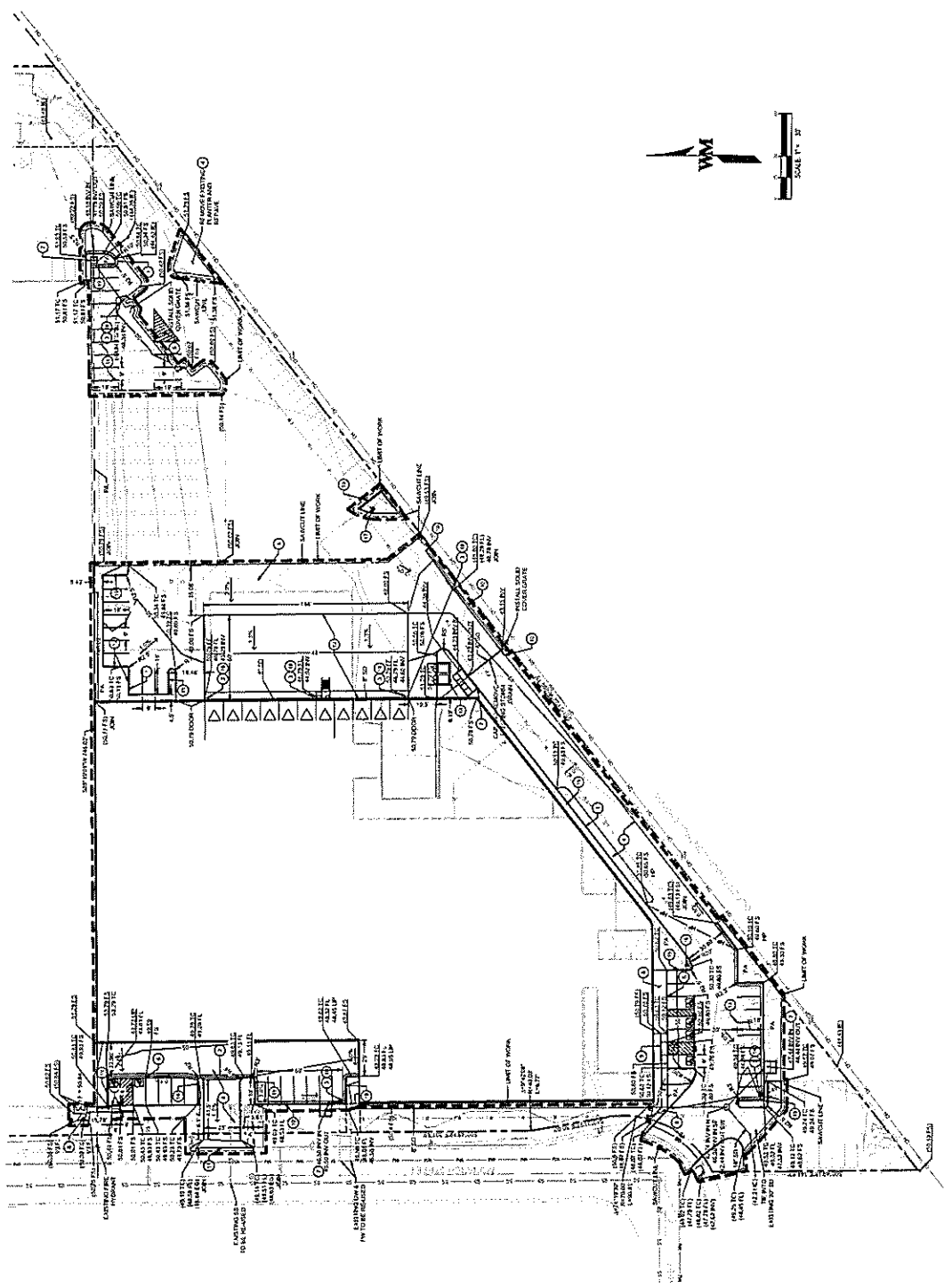
Professional Engineer  
 License No. 15123  
 State of California  
 1234 Main Street  
 San Francisco, CA 94102  
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 Fax: (415) 555-5678  
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 Website: www.waremalcomb.com

**Rexford Industrial**

**REXFORD MONARCH**  
 12782 MONARCH STREET  
 GARDEN GROVE, CA 92841

PRELIMINARY GRADING PLAN	
DATE	12/15/2023
DESIGNER	J. MALCOMB
CHECKER	M. MALCOMB
PROJECT NO.	23-001
SHEET NO.	2

DATE	12/15/2023
DESIGNER	J. MALCOMB
CHECKER	M. MALCOMB
PROJECT NO.	23-001
SHEET NO.	2

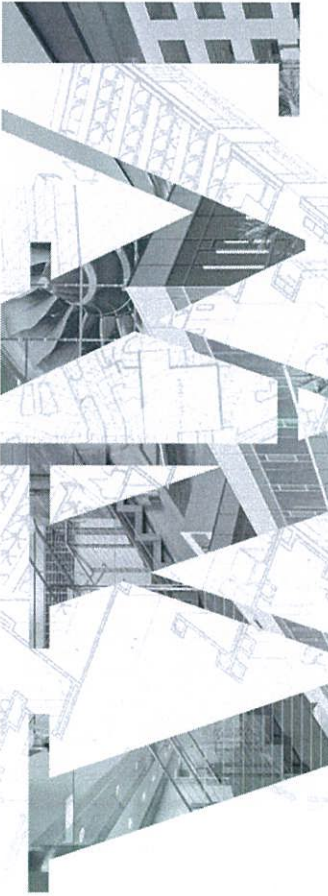


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**Rexford  
Industrial**

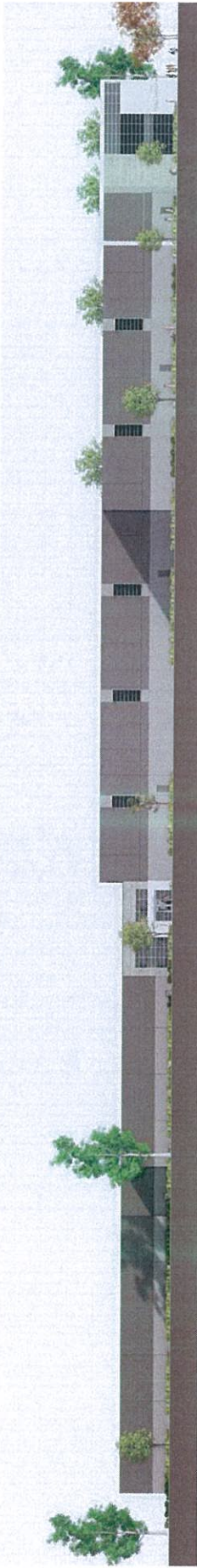


**REXFORD MONARCH**

12782 MONARCH ST  
GARDEN GROVE, CA

CONCEPTUAL DESIGN  
IRV19-0312-00  
03.08.2021

**WARE MALCOMB**  
ARCHITECTURE | PLANNING | INTERIORS  
BRANDING | CIVIL ENGINEERING



WEST ELEVATION



The conceptual design is based upon a preliminary review of applicable requirements and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance.

PERSPECTIVE VIEW  
 REXFORD MONARCH  
 GARDEN GROVE, CA - (RV19-0312-00)



WARE MALCOMB

03.08.2021

PAGE

2





This conceptual design is based upon a preliminary review of entitlement requirements and an unsecured and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. "Signage shown" is for illustrative purposes only and does not necessarily reflect municipal code compliance.



PERSPECTIVE VIEW  
REXFORD MONARCH  
GARDEN GROVE, CA - IRV19.0312-00



The conceptual design is based upon a preliminary review of entitlement requirements and is intended merely to assist in exploring how the building might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance.



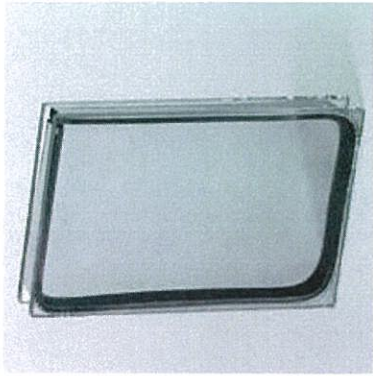
PERSPECTIVE VIEW  
REXFORD MONARCH  
GARDEN GROVE, CA - IRV19-0312-00



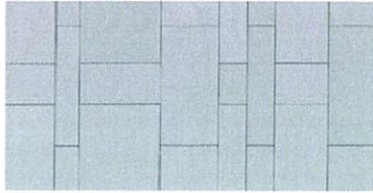
The conceptual design is based upon a preliminary review of certification requirements and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance.

PERSPECTIVE VIEW  
 REXFORD MONARCH  
 GARDEN GROVE, CA - IRV19-0312-00





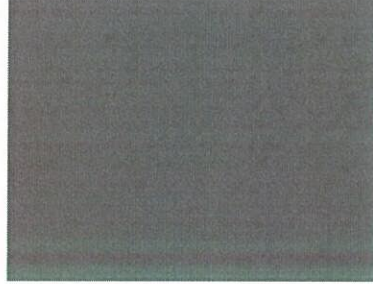
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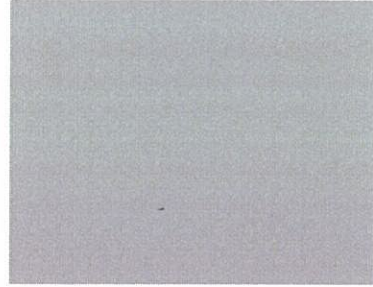
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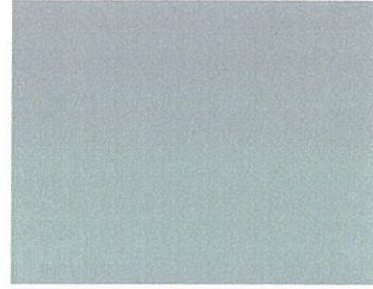
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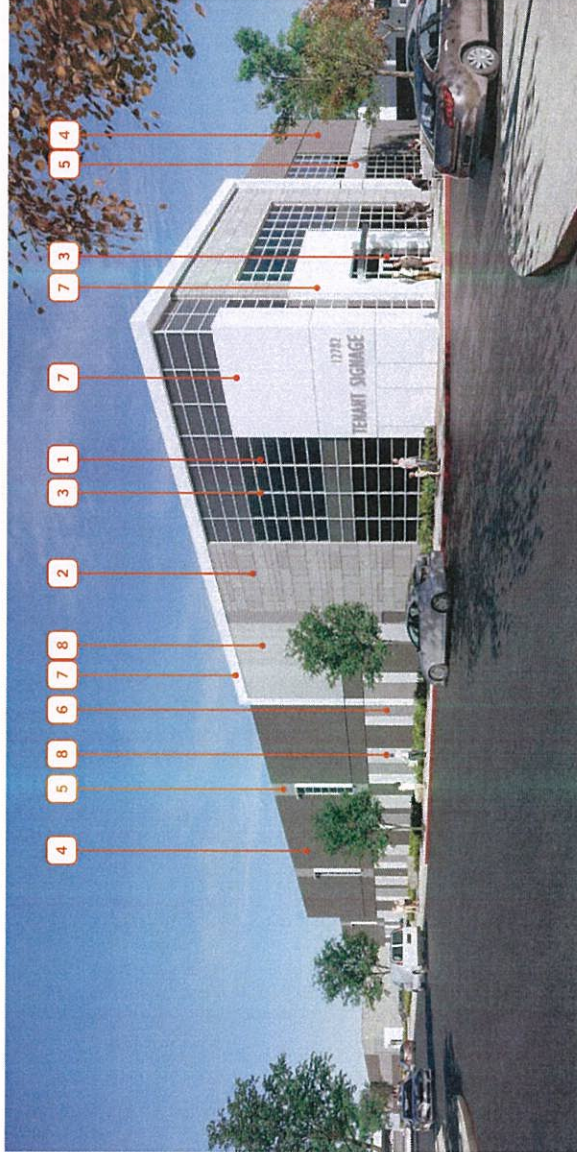
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SW 7048 URBAN BRONZE



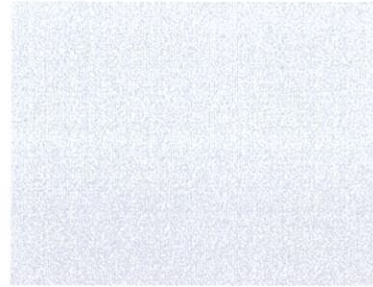
5 SHERWIN WILLIAMS  
SW 7635 PALISADE



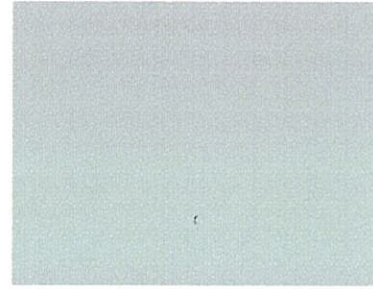
6 SHERWIN WILLIAMS  
SW 7673 PEWTER CAST



PERSPECTIVE



7 PPG  
1007-1 WILLOW SPRINGS



8 PPG  
1007-3 GHOST WRITER



EXTERIOR MATERIAL BOARD  
REXFORD MONARCH  
GARDEN GROVE, CA - IRV19-0312-00

WARE MALCOMB

05.05.2020

RESOLUTION NO. 6024-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-100-2021 AND VARIANCE NO. V-033-2021, FOR A PROPERTY LOCATED ON THE EAST SIDE OF MONARCH STREET BETWEEN ACACIA AVENUE AND LAMPSON STREET, AT 12752-12822 MONARCH STREET, ASSESSOR'S PARCEL NOS. 215-021-01 AND 215-031-10.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 20, 2021, approves Site Plan No. SP-100-2021 and Variance No. V-033-2021.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-100-2021 and Variance No. V-033-2021, the Planning Commission of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by Yemi Alade (Rexford Industrial), with the authorization of the property owner, Rexford Industrial Realty.
2. The applicant is requesting Site Plan approval to demolish an existing 98,360 square foot industrial building and construct a new 97,470 square foot industrial building along with associated site improvements, on a property located at 12752-12822 Monarch Street (Assessor's Parcel Nos. 215-021-01 and 215-031-10), along with a request for Variance approval to deviate from the maximum building height requirement of the M-P (Industrial Park) zone.
3. The Planning Commission hereby determines that the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines (14 Cal. Code Regs., Section 15302).
4. The property has a General Plan Land Use designation of Industrial and is currently zoned M-P (Industrial Park). The site is improved with an existing 271,591 square foot industrial structure (comprised of two attached buildings).
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 May 20, 2021, 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 May 20, 2021, 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 site is comprised of two (2) parcels located at 12752-12822 (12752, 12762, 12772, 12782, 12802, and 12822) Monarch Street and is zoned M-P (Industrial Park). The site is improved with an existing 271,591 square foot industrial structure (comprised of two attached buildings). The original 98,360 square foot industrial building, on the southern portion of the site (Assessor's Parcel No. 215-021-01), was originally constructed in 1969. In 1980, a 173,231 square foot industrial building addition was constructed, on the northern portion of the site (Assessor's Parcel No. 215-031-10), attached to the existing 98,360 square foot industrial building.

The applicant is requesting approval to demolish the southern portion of the structure (the original 98,360 square foot portion), and to construct a new 97,470 square foot building addition, in virtually the same location. The new building (97,470 square feet) will be smaller than the existing building (98,360 square feet) in gross floor area. The purpose of the rebuild project is to construct a modern and contemporary building that has a slightly taller interior ceiling height that will increase the marketability of the building and meet the needs of potential future industrial tenants.

The entire 271,591 square foot building is situated on two (2) separate adjoining properties (Assessor's Parcel Nos. 215-021-01 and 215-031-10). When the 173,231 square foot building addition was approved in 1980, a "Covenant and Agreement to Hold as One Parcel" instrument was required to be recorded on both properties. This Covenant was required for purposes relating to Building Code fire separation requirements between the attached building areas. Additionally, the Covenant, which ties both properties together as one, allows both sites and buildings to function as a single integrated development for Municipal Code parking calculation purposes.

The properties have a General Plan Land Use Designation of Industrial and are zoned M-P (Industrial Park). The properties are adjacent to M-P zoned properties to the north and across Monarch Street, to the west, and an O-S (Open Space zoned) flood control channel to the south and west.

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 subject site has a General Plan Land Use Designation of Industrial and is zoned M-P (Industrial Park). The Project complies with the land use designation and the zoning requirements for the property, subject to the approval of the associated Variance request (V-033-2021). The Industrial General Plan Land Use Designation is intended to create, maintain, and enhance industrial areas characterized by general industrial uses, such as warehousing and distribution or business parks, and more intensive industrial uses, such manufacturing, fabrication, assembly, processing, trucking, warehousing and distribution, and servicing. The Project will not exceed the maximum Floor Area Ratio ("FAR") permitted by Industrial Land Use Designation. The General Plan allows a maximum FAR of 1.0, and the Project FAR is 0.54.

The design and improvement of the proposed project is consistent with the spirit and intent of the General Plan, through its goals, policies, and implementation programs, including specifically:

Goal LU-7, which identifies the City's industrial areas as an important contributor to a well-planned community and for the jobs and economic impacts they provide. The proposed project will replace the existing outdated building with a modern and contemporary building that meets the needs of the current industrial market by providing increased vertical racking space for additional interior storage capacity. The proposed project will ensure that the City maintains healthy and competitive industrial areas contributing to a well-planned and well-maintained community.

Implementation Program LU-IMP-7B, which strives to require improved maintenance and rehabilitation of industrial buildings and sites, as necessary. The project Conditions of Approval will remain in perpetuity for the life of the development, and will ensure that the property is well-maintained and will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. Additionally, the project proposes enhanced exterior elevations which are aesthetically pleasing, which will foster high quality, contemporary industrial areas in the community.

With exception to the requested Variance, the project meets all requirements of Title 9 of the Municipal Code, which include development standards such

as, but not limited to, building setbacks, parking, and landscaping. The placements of the structure, the site design, the parking lot layout, the number of 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 project does not introduce any significant changes to the on- and off-site vehicular and pedestrian circulation and access. A new parking area, near the center of the site, accessed off Monarch Street, will provide twelve (12) additional parking spaces, while also providing patron access to the mezzanine/office areas of the "middle unit". The site will continue to provide drive lanes and a parking layout that enable patrons to maneuver effectively through the site. Sufficient on-site and off-site parking is provided to accommodate the existing and proposed buildings.

Furthermore, the City's Traffic Engineering Division and the Orange County Fire Authority have 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 Project utilizes access off Monarch Street via three (3) driveway access points, which will be adequate to accommodate the development. Utilities and drainage channels in the area, if and where necessary, will continue to be adequate to accommodate the development. The property is located in a sewer deficiency area. The applicant has coordinated with the Water Services Division to conduct a sewer flow study to evaluate the impacts of the anticipated plumbing fixtures for proposed development. The Water Services Division reviewed the sewer flow study and concluded that the existing sewer system in the area can accommodate the additional load. It should be noted, any modifications to the existing design or future improvements involving additional plumbing fixtures will require additional sewer flow study analysis, as required. The Public Works Department has incorporated conditions of approval to mitigate potential impacts to the sewer system.

The Public Works Engineering and Water Services Division have reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels.

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. The proposed project has been designed to maintain drive lanes and a parking layout that enable patrons to maneuver effectively through the site. Sufficient on-site parking is provided to accommodate the integrated development (comprising of both parcels with Assessor's Parcel Nos. 215-021-01 and 215-031-10. All appropriate conditions of approval included by the Public Works Department will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels, and will ensure that the project will not adversely impact the City's ability to perform its required public works functions.

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

The proposed project is consistent with the existing uses and improvements in the surrounding area. Additionally, the proposed project will improve the aesthetics of the property by redeveloping the property through the construction of the new building which has been designed to be architecturally compatible and sensitive to the existing surrounding uses. The resulting development will be an improvement, visually, for the community while also maintaining a reasonable degree of physical, functional, and visual compatibility with neighboring uses and the desirable neighborhood characteristics. Therefore, the proposed project is consistent with the surrounding area and compatible with the existing uses on the properties.

6. The planning and design of buildings, building placement, and provision of landscaping will provide an attractive environment for the occupants of the property.

The project has been designed to consider building appearance, building placement, and other amenities in order to maintain an attractive environment. The existing landscaping will continue to be maintained for the life of the project, keeping an attractive environment for the occupants of the industrial buildings.

#### **VARIANCE:**

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone.

Approval of this Variance will allow the project to deviate from the maximum building height (35 feet) of the M-P (Industrial Park) zone, in order to facilitate the construction of the new building. With exception to the requested Variance, the project meets all other Municipal Code development

standards such as, but not limited to, building setbacks, parking, and landscaping. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City.

Other properties in similar industrial type zones, in the same zone or in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular. However, the subject site is atypical in shape (triangular), which significantly limits the ability to develop and improve the property with a development in a traditional manner and in compliance with all M-P zone development standards. The proposed development is constrained by the existing conditions (i.e., the triangular shape of the property), which limits the feasibility for horizontal expansion, thus creating a need for more vertical racking space. As the supply for excess land continues to diminish, the natural progression in the market necessitates more vertical expansion (and the need for raised building heights), where current market demands call for a minimum 32-foot interior ceiling height to provide increased storage capacity. Furthermore, increased building heights lead to more vertical racking, enhanced fire sprinkler systems, and more expansive commodity storage types, which may attract high quality tenants in the community. The foregoing, that further lot acquisition in a built-out community to accommodate horizontal expansion is impractical, and that the proposed project is otherwise consistent with the standards and intent of the M-P (Industrial Park) zone, constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in similar zones, the same zone, and neighborhood.

2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question.

To construct the proposed building, the Variance to deviate from the maximum building height (35 feet) allowed in the M-P (Industrial Park) zone is necessary to facilitate the development and improvement of the property, which otherwise meets all other Municipal Code development standards such as, but not limited to, building setbacks, parking, and landscaping. Other properties within immediate vicinity of the subject lot, and within other similar zoned properties throughout the City, have existing similar type buildings that exceed the maximum 35-foot building height allowed M-P zone. Within the same vicinity of the subject lot, an industrial building located at 12821 Knott Street, which is a similar zoned property (Industrial Planned Unit Development) provides a building height (39'-0" to top of roof and 40'-0" to top of parapet), which exceeds the 35-foot building height requirement of the M-P zone. Accordingly, approval of the proposed Variance will not set a

precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the Industrial Park and other similar zoned properties in the City. With exception to the requested Variance to deviate from the maximum building height limitation, the proposed project complies with all other development standards of the M-P zone.

- 3. The Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

Approval of this Variance will allow the project to deviate from the maximum building height (35 feet) of the M-P (Industrial Park) zone, in order to facilitate the construction of the new building, for the purposes of providing a modern and contemporary industrial building that provides for increased vertical racking space to meet the current market demands for increased storage capacity. The approval of this Variance will allow a 36'-9" building height (to the topmost portion of the roof), which is less than two feet (2'-0") above the maximum building height (35 feet) allowed in the M-P zone. The Variance will not affect surrounding properties (which are developed with existing industrial uses) given that the subject lot is not within close proximity to sensitive uses (e.g., residential, schools, parks). Other properties within immediate vicinity of the subject lot, and within other similar zoned properties throughout the City, have existing similar type buildings that exceed the maximum 35-foot building height allowed M-P zone. Within the same vicinity of the subject lot, an industrial building located at 12821 Knott Street, which is a similar zoned property (Industrial Planned Unit Development) provides a building height (39'-0" to top of roof and 40'-0" to top of parapet), which exceeds the 35-foot building height requirement of the M-P zone.

The project will be required to comply with all applicable building and life safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City departments in order to ensure compliance with all applicable Municipal Code provisions. Provided the project complies with the Conditions of Approval, the approval of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

- 4. The granting of the Variance will not adversely affect the General Plan.

The General Plan does not impose a building height limitation. Therefore, the proposed minor building height Variance (of less than two feet above the 35-foot maximum building height limitation of the zone) will not adversely affect the General Plan. Approval of this Variance will allow the project to

deviate from the maximum building height (35 feet) of the M-P (Industrial Park) zone, in order to facilitate the construction of the new building, for the purposes of providing a modern and contemporary industrial building that provides for increased vertical racking space to meet the current market demands for increased storage capacity. The Municipal Code is a tool used to implement the goals of the General Plan. The proposed project furthers the desired character and use of the Industrial General Plan Land Use Designation, which is intended to create, maintain, and enhance industrial areas characterized by general industrial uses, such as warehousing and distribution or business parks, and more intensive industrial uses, such as manufacturing, fabrication, assembly, processing, trucking, warehousing and distribution, and servicing. The project achieves this by proposing a modern and contemporary building architecture and future uses that will comply with the intent of the Industrial General Plan Land Use Designation and the M-P (Industrial Park) zone. It should be noted, the General Plan does not provide maximum building height limitations – ensuring that the requested Variance (to the maximum building height) does not conflict with or adversely affect the General Plan. Additionally, the proposed project meets the spirit and intent of the General Plan and furthers the following goals, policies, and implementation programs:

Goal LU-7, which identifies the City's industrial areas as an important contributor to a well-planned community and for the jobs and economic impacts they provide. The proposed project will replace the existing outdated building with a modern and contemporary building that meets the needs of the current industrial market by providing increased vertical racking space for additional interior storage capacity. The proposed project will ensure that the City maintains healthy and competitive industrial areas contributing to a well-planned and well-maintained community.

Implementation Program LU-IMP-7B, which strives to require improved maintenance and rehabilitation of industrial buildings and sites, as necessary. The project Conditions of Approval will remain in perpetuity for the life of the development, and will ensure that the property is well-maintained and will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. Additionally, the project proposes enhanced exterior elevations which are aesthetically pleasing, which will foster high quality, contemporary industrial areas in the community.

The proposed project will be consistent with the spirit and intent of the General Plan furthering its goals, policies, and implementation programs, while also helping meet the community's need for competitive industrial facilities in its industrial zoned areas. Therefore, the granting of the requested Variance will not adversely affect the City's General Plan.

5. Approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Provided the Conditions of Approval are adhered to for the life of the project, approval of the subject Variance will not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated.

To construct the proposed building, the Variance to deviate from the maximum building height (35 feet) allowed in the M-P (Industrial Park) zone is necessary to facilitate the development and improvement of the property, which otherwise meets all other Municipal Code development standards such as, but not limited to, building setbacks, parking, and landscaping. Other properties within immediate vicinity of the subject lot, and within other similar zoned properties throughout the City, have existing similar type buildings that exceed the maximum 35-foot building height allowed M-P zone. Accordingly, approval of the proposed Variance will not grant a special privilege that is inconsistent with the limitations upon other property owners located in the Industrial Park and other similar zoned properties in the City. With exception to the requested Variance to deviate from the maximum building height limitation, the proposed project complies with all other development standards of the M-P zone

Other properties in similar industrial type zones, in the same zone or in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular. However, the subject site is atypical in shape (triangular), which significantly limits the ability to develop and improve the property with a development in a traditional manner and in compliance with all M-P zone development standards. The proposed development is constrained by the existing conditions (i.e., the triangular shape of the property), which limits the feasibility for horizontal expansion, thus creating a need for more vertical racking space. As the supply for excess land continues to diminish, the natural progression in the market necessitates more vertical expansion (and the need for raised building heights), where current market demands call for a minimum 32-foot interior ceiling height to provide increased storage capacity. Furthermore, increased building heights lead to more vertical racking, enhanced fire sprinkler systems, and more expansive commodity storage types, which may attract high quality tenants in the community. The foregoing, that further lot acquisition in a built-out community to accommodate horizontal expansion is impractical, and that the proposed project is otherwise consistent with the standards and intent of the M-P (Industrial Park) zone, constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in similar zones, the same zone,

and neighborhood. Accordingly, approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in similar zoned properties in the City.

In addition, Condition of Approval No. 2 states in part, "The rights granted the applicant pursuant to Variance No. V-033-2021 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-100-2021, and these Conditions of Approval (as they may be amended from time to time) continue to exist on the Site. In the event that Site Plan No. SP-100-2021 is not exercised within one year of approval (or the length of any extension approved by the City), or the improvements authorized and contemplated by Site Plan No. SP-100-2021 are demolished and not re-established within one year of demolition, Variance No. V-033-2021 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards." Therefore, granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE 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 Variance 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-100-2021 and Variance No. V-033-2021.

## **EXHIBIT "A"**

**Site Plan No. SP-100-2021**  
**Variance No. V-033-2021**

12752-12822 Monarch Street  
(APN: 215-021-01, 215-031-10)

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record against the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. 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, the developer of the project, the current owner of the Property, the future 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-100-2021 and Variance No. V-033-2021.
2. The rights granted the applicant pursuant to Variance No. V-033-2021 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-100-2021, and these Conditions of Approval (as they may be amended from time to time) continue to exist on the Site. In the event that Site Plan No. SP-100-2021 is not exercised within one year of approval (or the length of any extension approved by the City), or the improvements authorized and contemplated by Site Plan No. SP-100-2021 are demolished and not re-established within one year of demolition, Variance No. V-033-2021 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards. Approval of this Site Plan and Variance 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.
3. Minor modifications to the Site 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.

4. 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. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

#### **Building and Safety Division**

6. Project shall comply with all requirements of applicable CA Building Standards Code at time of permit submittal.
7. Soil Investigation report complying with CBC Chapter 18 shall be submitted at time of first plan review for all new constructions.
8. Provide roof solar ready zone complying with the 2019 CA Energy Efficiency Standards.
9. Project shall comply with all requirements of Chapter 5 of the 2019 CA Green Code.
10. Mixed use occupancies shall comply with CBC Section 508 and Table 508.4.
11. Fire-rated constructions shall comply with CBC Chapter 7.
12. Provide complete parking calculation: total parking required/provided, total number of standard, accessible and van accessible stalls.
13. Accessible parking space shall comply with CBC Chapter 11B, Division 5.
14. Electric charging and clean-air vehicle parking shall be provide per Green Code Chapter 5 and shall comply with CBC Chapter 11B.
15. Max building height and area per construction type shall comply with CBC Chapter 5.

#### **Public Works Engineering Division**

16. The applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be



- calculated based on the City's current fee schedule at the time of permit issuance.
17. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the precise grading and street improvement plans.
  18. 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, infiltration and stormwater treatment structures, 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 make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels. Requirements for any "dewatering" will also need to be addressed in the report.
  19. A separate street permit is required for work performed within the public right-of-way.
  20. Grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. All improvements within public right-of-way shall conform to all format and design requirements of the City Standard Drawings and Specifications. Special features, such as decorative pavers or other improvements, may be required to have an agreement prepared between the owner and the City to cover any encroachment limitations, responsibilities and maintenance requirements.
  21. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.
  22. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
  23. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, shall have wheel stops in order to prevent vehicle overhang

into sidewalk. Minimum 6-foot width sidewalk is required for parking spaces that are utilizing elevated sidewalk curb face as a wheel stop and must maintain 4-foot minimum from the overhang of the vehicle bumper for ADA pathway.

24. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
25. 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 that:
  - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration 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 structural and 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.
26. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of 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.
27. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and State mandated commercial organic recycling law-AB 1826:
- 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 shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
  - g. Pursuant to state mandated commercial organic recycling law-AB 1826, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
  - h. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
  - i. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.
  - j. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including

areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.

28. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal, relocation, or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).
29. Prior to issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
30. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
  - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be reviewed and approved by the Planning Services Division prior to installation.
31. The applicant shall identify a temporary parking site(s) for construction crew prior to issuance of a grading permit. No construction parking is allowed on local streets.

32. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
33. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
34. Any required lane closures should occur outside of peak travel periods.
35. Construction vehicles should be parked off traveled roadways in a designated parking.
36. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County Standard Plan 1309, Plan B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
37. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground all existing and proposed on-site and off-site utility facilities on Monarch Street associated with property which the developer is developing and redeveloping. All existing improvements and utilities shall be shown as part of the grading and street improvement submittal packages in the topography section and labeled as existing utility. In accordance to City of Garden Grove Municipal Code (9.48.050), the applicant may elect to pay the City an in-lieu fee to offset the developer's fair share of the costs of undergrounding the off-site utilities.
38. Prior to issuance of a building permit, the applicant shall design and construct street frontage improvements as identified below. All landscaping installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Services Division. A separate street improvement/stripping plan shall be prepared for Monarch Street and submitted to the Engineering Division for improvements within the City right-of-way.

Monarch Street

- a. Remove and replace existing southerly substandard driveway approach to the site on Monarch Street in accordance with City of Garden Grove Standard Plan B-121.
- b. Remove existing curb/gutter and construct new northerly driveway approach to the site on Monarch Street in accordance with City of Garden Grove Standard Plan B-121.

- c. Remove and replace 2-inches of the existing asphalt pavement fronting the project on Monarch Street from the edge of the easterly gutter to the edge of the westerly gutter per City of Garden Grove Standard Plans and Specifications.
- d. Any proposed new landscaping in the public right-of-way shall be approved by the Planning Services Division and maintained by the owner.
- e. Applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices to be placed in sidewalk area on Monarch Street with Planning Services Division and Water Services Division.

### **Public Works Water Services Division**

- 39. New water service installations two inches (2") and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (3") and larger, shall be installed by developer/owner's contractor per City Standards.
- 40. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services three inches (3") and larger, shall be installed by contractor with class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
- 41. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
- 42. A composite utility site plan shall be part of the water plan approval.
- 43. There shall be a minimum 15-foot (15'-0") clearance of building footings from water main. Clearances less than 15 feet (15'-0") shall be reviewed and approved by Water Engineering.
- 44. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot (1'-0") vertical clearance from water main and appurtenances.

45. There shall be a minimum clearance from sewer main and water main of 10 feet (10'-0") from outside of pipe to outside of pipe.
46. If water main is exposed during installation of new utilities, a 20'-0" section of the water main shall be replaced with 20-foot PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing, unless approved otherwise.
47. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
48. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
49. If required, new fire service shall have above-ground backflow device with a double-check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division.
50. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
51. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
52. A UPC fixture unit count shall be submitted for meter size verification if additional plumbing fixtures are added to existing structure.
53. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority.
54. Site shall be graded so that no rain or landscape irrigation water can drain into sewer drains in wash bays. All wash bays shall have adequate roof overhang to prevent rainwater from entering wash bays. No outside sinks or wash area shall be permitted. Owner shall maintain service records for sewer lateral clarifier adequately demonstrating that clarifier maintained and that wastes are disposed of in accordance with current laws and regulations for hazardous waste.
55. If applicable, commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to environmental services for review.

56. If the new building has any commercial food use, a properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
57. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
58. Owner can reuse the existing sewer lateral connections with new clean out at right-of-way line. Lateral in public right-of-way shall be six inches (6") min. dia., extra strength VCP with wedgelock joints.
59. If a new sewer lateral is proposed, contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side in accordance with California Plumbing Code. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer connection per lot is allowed. If the existing site has multiple sewer lateral connections, owner is allowed to keep existing sewer lateral connections with no additional sewer lateral to the lot.
60. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of min. twelve inches (12") below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

#### **Orange County Fire Authority**

61. The applicant shall ensure that the project/building complies with all life safety matters, as required by the Orange County Fire Authority.

#### **Community and Economic Development Department**

62. Should the City receive a proposal to change the use(s) of a tenant space(s), the applicant shall demonstrate compliance with all Municipal Code requirements, including, but not limited to, parking standards, any other requirements set forth in the California Building Code, and/or other related local, state, or federal requirements.
63. Exterior advertisements displays or exterior wall advertisements shall not be allowed.



64. 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 the exterior of the building.
65. Hours and days of construction and grading shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.060 referred to as Noise Control, Special Noise Sources, for Construction of Buildings and Projects.
66. 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.
67. The applicant shall comply with the adopted City Noise Ordinance.
68. The building plans, including grading and development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.
69. As a part of the finalized working drawings for the Planning Division, Engineering Division, and Building and Safety Division, 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.
70. 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 Division. 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.
71. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Division, for review and approval prior to submittal of plans for Building and Safety 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 and Economic 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.
72. 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.
  73. The applicant shall submit a complete landscape plan governing the entire development for review and approval by the Community and Economic Development Department prior to building permit issuance. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code as well as recently adopted provisions by the State of California concerning drought tolerant landscape measures (Landscape Water Efficiency Guidelines). Said plan shall include type, size, location and quality of all plant material. This includes enhanced landscaping for the walkway areas. 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. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. 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.
- 74. 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 all applicable laws and regulations.
  - 75. 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.
  - 76. All on-site curbs, not associated with a parking space, shall be painted red.
  - 77. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
    - a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
    - b. Property owners, tenants, employees, and business operators shall not store vehicles anywhere on the site.
    - c. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
  - 78. The applicant shall work with the Planning Division to ensure that the proposed building colors, exterior finishes, and materials are architecturally compatible and match the existing building. The applicant shall submit the actual chip samples of the proposed paint colors to the Planning Division for review and approval.
  - 79. In the event the development cannot accommodate the parking demand, due to impacts generated by the development, at any given time, which causes a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, as determined by the City's Community and Economic Development Director in his/her reasonable discretion, the applicant shall devise and implement a plan approved by the City to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking

arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the establishment

80. A copy of the resolution approving Site Plan No. SP-100-2021 and Variance No. V-033-2021, including these Conditions of Approval, shall be kept on the premises at all times.
81. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-100-2021 and Variance No. V-033-2021, and his/her agreement with all conditions of the approval.
82. 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-100-2021 and Variance No. V-033-2021. 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.
83. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.
84. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-100-2021 and Variance No. V-033-2021, has begun.