

## City of Garden Grove

**INTER-DEPARTMENT MEMORANDUM**

To: Matthew Fertal  
From: Susan Emery  
Dept: City Manager  
Dept: Community Development  
Subject: AMENDMENT NO. A-145-08  
Date: February 10, 2009

**OBJECTIVE**

To transmit a recommendation of the Planning Commission to approve Amendment No. A-145-08 changing the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) to operate a new auto body shop.

**BACKGROUND**

On November 20, 2008, the Planning Commission originally considered Amendment No. A-145-08 changing the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 to CCSP-BC17 to operate a new auto body shop. Along with the Amendment request, the Planning Commission considered a Site Plan (SP-460-08) request to develop a 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance (V-180-08) approval to deviate from the front, side, and rear setback requirements, and the minimum site size requirement of the CCSP-BC17 zone, subject to City Council's approval of Amendment No. A-145-08. At the request of the neighboring property owner, the case was continued to the December 4, 2008, Planning Commission meeting.

During the December 4, 2008, Planning Commission meeting, staff presented a letter from the adjacent neighbor who resides directly west of the subject property at 10692 Pearl Street. The letter specified that the neighbor be in opposition to the project, for reasons related to the Variance request, in that the project is materially detrimental, and that the project would have an adverse effect on the City's General Plan. There were no other persons in favor of or in opposition to the project. Subsequently, the Planning Commission approved the Site Plan & Variance requests, along with the adoption of Resolution No. 5660 recommending approval of Amendment No. A-145-08.

The subject site is located on the south side of Pearl Street, between Joy Street and Nelson Street. The site has a General Plan Land Use designation of

Industrial/Residential Mixed Use 2, and is zoned CCSP-BC29 (Community Center Specific Plan – Business Center, District 29). The subject property is currently in use as a parking lot for the adjacent property, to the south at 10711 Garden Grove Boulevard, which is improved with an auto repair center, James Auto Center. There is currently reciprocal access between the two properties.

### DISCUSSION

In order to improve the subject site with the proposed auto body shop, the property must be rezoned to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17). The Community Center Specific Plan, for Business Center District 29, does not list auto repair as a permitted use. Auto repair is only permitted in "Zone B" of the Business Center District. "Zone B" includes districts 10, 17, 18, and 19, which are bounded by Pearl Street, Acacia Avenue and Stanford Avenue, between Nutwood Street and Nelson Street. Additionally, within Title 9 of Municipal Code Section 9.08.030 of the Uses Permitted section, paint or bodywork is included with Auto Repair.

The subject site is approximately 6,792 square feet in size and the proposed 1,787 square foot building is to be located at the northeast corner of the subject site with the required parking to the south. The trash enclosure will be located to the rear of the lot near the southerly property line.

The site takes its primary ingress and egress from Pearl Street via a 25'-0" driveway, and the location of the parking spaces and access points allow for ease of access and on-site vehicular circulation. The site complies with Title 9 of the Municipal Code in regards to parking spaces required (9 spaces).

### FISCAL IMPACT

No fiscal impact to the District and/or City regarding this proposed amendment.

### COMMUNITY VISION IMPLEMENTATION

The Community Vision Statement seeks to foster small business development, retention and expansion. This proposed Amendment will help to facilitate this goal by expanding the areas in the City that allow auto body shops, thereby filling a need within the community for these types of uses. Additionally, this proposed Amendment will help facilitate the goal of the General Plan by further developing and improving this area as an Industrial/Residential Mixed Use zone.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Adopt a Negative Declaration
- Introduce the attached ordinance for the first reading approving Amendment No. A-145-08.

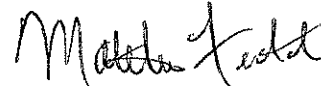


SUSAN EMERY  
Community Development Director



By: Chris Chung  
Assistant Planner

Approved for Agenda Listing



Matthew Fertal  
City Manager

- Attachment 1: Planning Commission Staff Report dated November 20, 2008  
Attachment 2: Planning Commission Resolution No. 5660  
Attachment 3: Planning Commission Resolution No. 5661 with Conditions of Approval  
Attachment 4: Planning Commission Minute Excerpt of November 20, 2008  
Attachment 5: Planning Commission Minute Excerpt of December 4, 2008  
Attachment 6: Initial Study Environmental Checklist Form  
Attachment 7: Draft Ordinance for Code Amendment for No. A-145-08



# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2.	<b>SITE LOCATION:</b> South side of Pearl Street, between Joy Street and Nelson Street, at 10712 Pearl Street
<b>HEARING DATE:</b> November 20, 2008	<b>GENERAL PLAN:</b> Industrial/Residential Mixed Use 2
<b>CASE NOS.:</b> Amendment No. A-145-08, Site Plan No. SP-446-08, and Variance No. V-180-08	<b>ZONE:</b> CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) <b>PROPOSED ZONE:</b> CCSP-BC17 (Community Center Specific Plan – Business Center, District 17)
<b>APPLICANT:</b> Sarah Phan	<b>APN:</b> 089-092-02
<b>PROPERTY OWNER:</b> Kim Vu Nguyen	<b>CEQA DETERMINATION:</b> Negative Declaration

## **REQUEST:**

The applicant is requesting a Zone Change Amendment to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) to operate a new auto body shop; Site Plan approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance approval to deviate from the front, side, and rear setback requirements, and the minimum site size requirement of the CCSP-BC17 zone.

## **PROJECT STATISTICS:**

	<u>Provided</u>	<u>Code</u>	<u>Variance Required</u>
<u>Lot Size:</u>	6,792 SF	10,000 SF	X
<u>Building Area:</u>	1,787 SF	N/A	
<u>Parking:</u> Total	9 spaces total 6 parking spaces plus 1 space per bay (3 service bays)	9 spaces	
<u>Building Height:</u>	Approx. 33 FT	35 FT	
<u>Landscaping:</u>	644 SF	543 SF	

	<u>Provided</u>	<u>Code</u>	<u>Variance Required</u>
<u>Building Setbacks:</u>			X
North (front)	9'-2"	10'-0"	
East (side)	0'-0" feet	5'-0" feet	
West (side)	0'-0" feet	5'-0" feet	
South (rear)	0'-0" feet	5'-0" feet	

**BACKGROUND:**

The site has a General Plan Land Use designation of Industrial/Residential Mixed Use 2, and is zoned CCSP-BC29 (Community Center Specific Plan – Business Center, District 29). The subject property is currently in use as a parking lot for the adjacent property, to the south at 10711 Garden Grove Boulevard, which is improved with an auto repair center, James Auto Center. There is currently reciprocal access between the two properties. James Auto Center has been in operation since August 1, 1998. The subject property is adjacent to CCSP-BC29 zoned properties to the north, west, and east, and CCSP-PR41 (Community Center Specific Plan – Peripheral Residential, District 41) zoned properties across Garden Grove Boulevard to the south.

**DISCUSSION:**

**ZONE CHANGE:**

In order to improve the subject site with the proposed auto body shop, the property must be rezoned to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17). The Community Center Specific Plan, for Business Center District 29, does not list auto repair as a permitted use. Auto repair is only permitted in "Zone B" of the Business Center District. "Zone B" includes districts 10, 17, 18, and 19, which are bounded by Pearl Street, Acacia Avenue and Stanford Avenue, between Nutwood Street and Nelson Street. Additionally, within Title 9 of Municipal Code Section 9.08.030 of the Uses Permitted section, paint or bodywork is included with Auto Repair.

The proposed zone change is consistent with the new General Plan Land Use designation of Industrial/Residential Mixed Use 2. The subject site is part of the "E2" focus area of the General Plan, which promotes the development of a unique type of mixed use allowing existing industrial uses to remain as well as new uses, such as artist's lofts with a residential component (i.e., live/work units). The request is consistent with the Garden Grove General Plan Land Use Element, which indicates that zoning classifications are to be consistent with General Plan Land Use designations. The rezoning facilitates the use of the site with a use consistent with both the proposed zoning classification of CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) and the intent of the General Plan for encouraging development of underutilized properties, which allows for auto related uses such as the proposed auto body shop.

**SITE PLAN:**

Site Design:

The subject site is approximately 6,792 square feet in size and is currently utilized as a parking lot for the adjacent property to the south at 10711 Garden Grove Boulevard. The site design has the proposed 1,787 square foot building located at the northeast corner of the subject site with the required parking to the south. The trash enclosure is located to the rear of the lot near the southerly property line.

Circulation and Parking:

The site takes its primary ingress and egress from Pearl Street via a 25'-0" driveway. The site design provides six (6) parking spaces. Additionally, there are three (3) service bays that count toward three (3) additional parking spaces for a total of nine (9) parking spaces on the site, which complies with Title 9 parking requirements for auto repair businesses. The location of the parking spaces and access points allow for ease of access and on-site vehicular circulation.

Building Design:

The interior of the first floor consists of a preparation area, a spray booth area, three (3) service bays, a unisex bathroom, an office area, and an asymmetric lift. The second floor includes storage area. The exterior will be a combination of stucco and brick with architectural accents in the form of moldings to enhance the aesthetics of the building. The height of the building will be 33'-0", which complies with the Code's maximum 35'-0" building height requirement.

Landscaping:

The site design includes a front yard landscape setback of 12'-0" to the curb, with a 9'-2" setback from the building edge to the northerly property line along Pearl Street. An area of 300 square feet is counted toward the landscape requirement. The Community Center Specific Plan requires a 10'-0" setback to the northerly property line. A total of 644 square feet in landscaping is provided for the subject site, which includes the 8'-0" x 43'-0" landscape area located to the interior of the subject lot as well as the front yard landscape area. Code requires a minimum of 543 square feet in landscaping which is 8% of the lot area.

Deviation from Title 9 Development Standards:

The site design does not comply with the Municipal Code requirements for the Community Center Specific Plan regarding encroachment into the front, side, and rear setbacks, and meeting the minimum lot size requirement of 10,000 square feet. The site plan shows the front setback to be 9'-2", whereas the Specific Plan requires a 10'-0" front setback. The site provides no setback for the side and rear setbacks, whereas the Specific Plan requires 5'-0" for both the side and rear setbacks. These setbacks are reduced to provide the required driveway width and access, parking spaces, building placement, and the inclusion of a trash enclosure. The Variance also includes deviation from the minimum lot size for the subject property. In the CCSP-BC17 zone, the minimum lot size per Code is 10,000 square feet. The size of the subject property is 6,792 square feet.

The requested Variance to allow reduced setbacks and the deviation from the minimum lot size requirement can be supported and is further discussed in the following section.

VARIANCE REQUEST:

**Exceptional Circumstances and Conditions: Yes**

The lot is constricted by a number of factors including:

- Limited land area for development, and,
- Design layout to meet code provisions as best suited for this type of use and development.

There are exceptional or extraordinary circumstances pertaining to the site that warrant approval of a Variance. The lot size of the subject property is 6,792 square feet. The proposed zone for this property is CCSP-BC17, which has a minimum lot size requirement of 10,000 square feet. Prior to this request, the subject property was not in compliance with code requirements due to its legal nonconforming status. Many of the properties in the surrounding areas, which are also zoned CCSP-BC29 do not meet the 15,000 square foot minimum lot size requirement. Many of the properties are nonconforming where with single-family residences still exist. Due to the size of the subject lot, 6,792 square feet, it is difficult to develop the property while also conforming to the Specific Plan requirements for setbacks and minimum lot size.

In regard to design layout, the site provides a main access point off Pearl Street, and the project has been designed for ease of on-site circulation with the necessary driveway width in place, and the required parking for the auto body use. As a result of the limitation in lot size, the site does have conditions that restrict its development that are typical of other similarly zoned properties in the same vicinity. Other similar sites in the surrounding areas face the same issues with lot size, which in turn limits their



ability to develop the properties. The approval of this entitlement would help facilitate the intent of the General Plan for encouraging development of underutilized properties and is consistent with other similarly developed properties in the vicinity.

**Substantial Property Right: Yes**

Other properties in the vicinity exist with less combined landscape setbacks and minimum lot size requirements per current Specific Plan standards. Most of these properties were developed prior to the current code requirements and were not required to provide the amount of setback nor meet the minimum lot size requirements now required by the Community Center Specific Plan. Although the site does deviate from these development standards, the project does meet other development standards as required by Code such as landscape requirements, parking spaces, circulation, and access requirements.

**Materially Detrimental: No**

The approval of the Variance will not create an adverse effect on the public welfare or to properties or improvements in the subject zone. The Variance pertains to reducing the required front, side, and rear setback requirements, and deviation from the minimum lot size requirement. The site adjacent to the subject property at 10711 Garden Grove Boulevard, is improved with an existing auto repair center. Although the two sites are on separate properties, there is access between both parcels, and the proposed auto body shop will act as an extension of the existing auto repair center business. Granting approval will allow the subject site to enjoy the same benefits as surrounding properties that have developed their properties prior to current zoning regulations. These deviations will not adversely affect the surrounding properties. Approval will allow the owner to improve the site, meet the intended use of the zone, and provide the necessary on-site improvements, according the submitted plans, for the construction of the project.

**Adverse Effect on the General Plan: No**

The requested Variance does meet the spirit and intent of the General Plan by developing a parcel that has constraints limiting its development opportunities. The limited property size results in a reduced development opportunity and the site being under utilized, currently it is a parking lot. Therefore, to facilitate development, the Variance request is appropriate. Granting approval of the proposed Variance will not adversely affect the City of Garden Grove's General Plan. The new General Plan calls for a new Land Use designation for this area as Industrial/Residential Mixed Use. The subject site is intended to develop a unique type of mixed use allowing existing industrial uses to remain and allows for new uses, such as artist's lofts with a residential component (i.e., live/work units). Granting this Variance is in keeping with the spirit and intent of the General Plan.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Adopt a Negative Declaration for the proposed development;
2. Approve Site Plan No. SP-446-08, and Variance No. V-180-08, subject to the recommended conditions of approval; and,
3. Recommend that the City Council approve the Zone Change Amendment No. A-145-08.

Karl Hill  
Planning Services Manager

By: Chris Chung  
Assistant Planner

## RESOLUTION NO. 5660

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF AMENDMENT NO. A-145-08, FOR A PROPERTY LOCATED AT 10712 PEARL STREET, ASSESSOR'S PARCEL NO. 089-092-02.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 20, 2008, hereby adopts a Negative Declaration, and recommends approval of Amendment No. A-145-08, to change the zone of the subject property from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17).

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-145-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Sarah Phan.
2. The applicant proposes to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) to operate a new auto body shop; Site Plan approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance approval to deviate from the front, side, and rear setback requirements and the minimum site size requirement of the CCSP-BC17 zone.
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed project can not, or will not, have significant adverse effect on the environment; was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. Seq., and the CEQA guidelines, 14 California Code of Regulation Sec. 15000 et. Seq., and includes mitigation measures.

4. The property at 10712 Pearl Street has a General Plan Designation of Industrial/Residential Mixed Use 2 and is within the CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) zone. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
5. Report submitted by City staff was reviewed.
6. Pursuant to a legal notice, a public hearing was held on November 20, 2008, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter during its meeting of November 20, 2008; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

In order to improve the subject site with the proposed auto body shop, the property must be rezoned to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17). The Community Center Specific Plan, for Business Center District 29, does not list auto repair as a permitted use. Auto repair is only permitted in "Zone B" of the Business Center District. "Zone B" includes districts 10, 17, 18, and 19, which are located Pearl Street, Acacia Avenue and Stanford Avenue, between Nutwood Street and Nelson Street. Additionally, within Title 9 of Municipal Code Section 9.08.030 of the Uses Permitted section, paint or bodywork is included with Auto Repair.

The proposed zone change is consistent with the new General Plan Land Use designation of Industrial/Residential Mixed Use 2. The subject site is part of the "E2" focus area of the General Plan, which promotes the development of a unique type of mixed use allowing existing industrial uses to remain as well as new uses, such as artist's lofts with a residential component (i.e., live/work units). The request is consistent with the Garden Grove General Plan Land Use Element, which indicates that zoning classifications are to be consistent with General Plan Land Use designations. The rezoning facilitates the use of the site with a use consistent with both the proposed zoning classification of CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) and the intent of the General Plan for encouraging development of underutilized properties, which allows for auto related uses such as the proposed auto body shop.

The applicant is also proposing, in conjunction with this request, Site Plan (SP-446-08) approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance (V-180-08) approval

to deviate from the front, side, and rear setback requirements and the minimum site size requirement of the CCSP-BC17 zone.

FINDINGS AND REASONS:

1. The Zone Change Amendment is internally consistent with the goals, policies, and elements of the General Plan, which encourages compatibility between land uses.
2. The Zone Change Amendment will promote the public interest, health, safety, and welfare through the Site Plan approval required, thus ensuring the public interest, health, safety, and welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Code Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9-162.17. The Planning Commission recommends approval of Amendment No. A-145-08 as follows:
  - The proposed Zone Change Amendment would change the zone of the subject property located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17).

ADOPTED this 4th day of December, 2008

/s/ RON PIERCE  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 4th, 2008, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/s/ JUDITH MOORE  
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 December 25th, 2008.

## RESOLUTION NO. 5661

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-446-08 AND VARIANCE NO. V-180-08.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 20, 2008, hereby adopts a Negative Declaration and approved Site Plan No. SP-446-08 and Variance No. V-180-08 for the property located on the south side of Pearl Street, between Joy Street and Nelson Street, at 10712 Pearl Street, Assessor's Parcel No. 089-092-02.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-446-08 and Variance No. V-180-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Sarah Phan.
2. The applicant is requesting a Zone Change Amendment to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) to operate a new auto body shop; Site Plan approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance approval to deviate from the front, side, and rear setback requirements and the minimum site size requirement of the CCSP-BC17 zone.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property at 10712 Pearl Street has a General Plan Designation of Industrial/Residential Mixed Use 2 and is within the CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) zone. Existing land use,

zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.

5. Report submitted by City Staff was reviewed.
6. Pursuant to a legal notice, a public hearing was held on November 20, 2008, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter at its meeting on November 20, 2008, 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 9.24.030, are as follows:

FACTS:

The site has a General Plan Land Use designation of Industrial/Residential Mixed Use 2, and is zoned CCSP-BC29 (Community Center Specific Plan – Business Center, District 29). The subject property is currently in use as a parking lot for the adjacent property to the south at 10711 Garden Grove Boulevard, which is improved with an auto repair center, James Auto Center. Reciprocal access is available between the two properties. James Auto Center has been in operation since August 1, 1998. The subject property is adjacent to CCSP-BC29 zoned properties to the north, west, and east, and CCSP-PR41 (Community Center Specific Plan – Peripheral Residential, District 41) zoned properties across Garden Grove Boulevard to the south.

The applicant is also proposing, in conjunction with this request, Amendment No. A-145-08 to change the zone of the subject property from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17).

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and the General Plan.

The proposed zone change is consistent with the new General Plan Land Use designation of Industrial/Residential Mixed Use. The subject site is part of the "E2" focus area of the General Plan, which promotes the development of a unique type of mixed use allowing existing industrial uses to remain as well as new uses, such as artist's lofts with a residential component (i.e., live/work units). The request is consistent the Garden Grove General Plan Land Use Element, which indicates that zoning classifications are to be consistent with General Plan Land Use designations. The rezoning facilitates the use of the site



with a use consistent with both the proposed zoning classification of CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) and the intent of the General Plan for encouraging development of underutilized properties, which allows for auto related uses such as the proposed auto body shop.

- 2. The project will 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 drive aisle and maneuvering areas are adequate for vehicle access. Sufficient parking is provided, and adequate pedestrian access is provided within the project. A total of nine (9) parking spaces have been provided, which complies with the minimum Code requirements for parking.

- 3. The project will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels.

The existing streets, utilities, and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the existing and proposed development.

- 4. The project will not adversely impact the Public Works Department's ability to perform its required function.

The project has been reviewed by the Public Works Department, which has required various on- and off-site improvements, including sidewalks, driveways, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

- 5. The project is compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment.

VARIANCE FINDINGS AND REASONS:

Exceptional circumstance: Yes

There are exceptional or extraordinary circumstances pertaining to the site that warrants approval of a Variance. The lot size of the subject property is 6,792 square feet. The proposed zone for this property is CCSP-BC17, which has a minimum lot size requirement of 10,000 square feet. Prior to this request, the subject property is not in compliance with code requirements due to its legal

nonconforming status. Many of the properties in the surrounding areas, which are also zoned CCSP-BC29 do not meet the 15,000 square foot minimum lot size requirement. Many of the properties are nonconforming lots with single-family residences still existing. Due to the size of the subject lot, 6,792 square feet, it is difficult to develop the property while also conforming to the Specific Plan requirements for setbacks and minimum lot size.

In regard to design layout, the site provides a main access point off Pearl Street, and the project has been designed for ease of on-site circulation with the necessary driveway width in place, and the required parking for the auto body use. As a result of the limitation in lot size, the site does have conditions that restrict its development that are typical of other similarly zoned properties in the same vicinity. Other similar sites in the surrounding areas face the same issues with lot size, which in turn limits their ability to develop the properties. The approval of this entitlement would help facilitate the intent of the General Plan for encouraging development of underutilized properties and is consistent with other similarly developed properties in the vicinity.

Substantial property rights: Yes

Other properties in the vicinity exist with less combined landscape setbacks and minimum lot size requirements per current Specific Plan standards. Most of these properties were developed prior to the current code requirements and were not required to provide the amount of setback nor meet the minimum lot size requirements now required by the Community Center Specific Plan. Although the site does deviate from these development standards, the project does meet other development standards as required by Code such as landscape requirements, parking spaces, circulation, and access requirements.

Materially detrimental: No

The approval of the Variance will not create an adverse effect on the public welfare or to properties or improvements in the subject zone. The Variance pertains to reducing the required front, side, and rear setback requirements and deviation from the minimum lot size requirement. The site adjacent to the subject property, at 10711 Garden Grove Boulevard, is improved with an existing auto repair center. Although they are on separate properties, there is access between both parcels, and the proposed auto body shop will act as an extension of the existing auto repair center business. Granting approval will allow the subject site to enjoy the same benefits as surrounding properties that have developed their properties prior to current zoning regulations. These deviations will not adversely affect the surrounding properties. Approval will allow the owner to improve the site, meet the intended use of the zone, and provide the necessary on-site improvements, according the submitted plans, for the construction of the project.

Adversely affect the City's General Plan: No

The requested Variance does meet the spirit and intent of the General Plan by developing a parcel that has constraints limiting its development opportunities. The limited property size results in reduced development opportunity and the site being under utilized, currently as a parking lot. Therefore, to facilitate development, the Variance request is appropriate. Granting approval of the proposed Variance will not adversely affect the City of Garden Grove's General Plan. The new General Plan calls for a new Land Use designation for this area as Industrial/Residential Mixed Use. The subject site is intended to develop a unique type of mixed use allowing existing industrial uses to remain and allows for new uses, such as artist's lofts with a residential component (i.e., live/work units). Granting this variance is in keeping with the spirit and intent of the General Plan.

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:

The Site Plan and Variance possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.

In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-446-08 and Variance No. V-180-08.

ADOPTED this 4th day of December, 2008

/s/ RON PIERCE  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 4th, 2008, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/s/ JUDITH MOORE  
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 December 25th, 2008.

## **EXHIBIT "A"**

**Site Plan No. SP-446-08  
Variance No. V-180-08  
10712 Pearl Street**

### **CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS**

1. The applicant shall record a "Notice Of Agreement With Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits. 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 of the Planning Commission.
2. Approval of this Site Plan and Variance shall not be construed to mean any waiver of: Applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and 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 or licenses required to conduct the use, in compliance with all applicable laws.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a Site Plan and/or Conditional Use Permit shall be filed which reflects the revisions made to, or changes to the design/placement of the new building.
4. The approved floor plan and the use of the subject property are integral parts of the decision approving this Site Plan and Variance applications. There shall be no change in the design of the floor plan and the operation of the proposed auto body repair and painting use without the approval of the community Development Department. Any change in the approved floor plan or the use of the subject property, which has the effect of expanding or intensifying the proposed development, shall require the appropriate entitlement(s).
5. The approval of the subject Site Plan and Variance shall be contingent upon the City Council's approval of Zone Change Amendment No. A-145-08. In the event that Code Amendment No. A-145-08 is not approved, this approval shall be become null and void.

**Engineering Services Division Conditions:**

6. 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 and basement and septic facilities. Should contaminants be found, the site will require Environmental Clearance that will usually involve site remediation. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer.
7. A separate street permit is required for work performed within the public right-of-way.
8. Drainage plans prepared by a registered Civil Engineer are required. The drainage plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
9. The applicant shall be subject to Traffic Mitigation Fees.
10. The applicant shall construct the following public improvement along Pearl Street along the front of the subject property.
  - a. Remove five feet (5') of existing A.C. and base material from east property line to west property line and reconstruct 3 ½" A.C. over 6" AB.
  - b. Remove and reconstruct matching rolled concrete curb and gutter as per City's standard drawing No. B-116.
  - c. Construct seven feet (7') wide concrete sidewalk measured from face of curb. Proposed sidewalk shall be constructed per City Standard drawing No. B-106 and the latest ADA requirement.
  - d. Existing driveway approach along Pearl Street shall be removed and reconstructed as per City Standard drawing No. B-122.
11. All storm water from the proposed development shall be deposited to a public street via an approved parkway drain proposed. The proposed parkway drain shall be shown on the drainage plans.
12. New trash enclosure shall be constructed per Garden Grove Standard Plan B-502. The trash enclosure shall be located to allow pick-up and

maneuvering including turnarounds, in the area of the enclosures.

13. Prior to the issuance of any building permits, the applicant shall submit to the City for review and approval of Water Quality Management Plan that:
  - a. Addresses Site Design BMPs such as 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 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.
14. Prior to 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.
15. Any new or required block walls and/or retaining walls and trash enclosures shall be shown on the Drainage plans. Block walls shall be developed to City Standards or designed by a professional registered engineer.

16. Applicant shall remove and replace all defective public right-of-way concrete sidewalks, curb and gutter and any non-draining gutters or swales to City Standards.
17. The applicant shall maintain a graffiti free work site throughout the term of the project and remove all USA/Utility markings from the public right-of-way upon completion of the project. Any signage replacement shall require anti-graffiti sheeting and high intensity reflectivity.

**Building Services Division Conditions:**

18. The building plans, including grading and site 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.
19. Windows are not allowed on the walls located at the Property Line.
20. The applicant shall provide a parapet wall on the east wall.
21. Path of travel from street is required.

**Fire Department Conditions:**

22. A permit is required for spraying or dipping operations using flammable or combustible liquids.
23. Spray painting, as described above, requires the installation of an approved spray booth. Spray painting outside the spray booth is not permitted.
24. Plans for spray booth installations must be approved by the Garden Grove Community Development Department and the Garden Grove Fire Department.
25. The area of a spray booth shall not exceed 1500 square feet nor 10 percent of the basic area permitted for the major use of the building as set forth in Table 5-B in the Uniform Building Code.
26. A 36-inch clearance shall be maintained around the booth and kept free of storage or combustible materials.
27. Smoking shall not be permitted in any spray finishing area, flammable liquid vapor area (20-foot radius), or in the vicinity of dip tanks. "NO SMOKING" signs shall be posted with lettering of an approved size.
28. Conspicuous signs with the following warning shall be posted in the vicinity of spraying areas, dipping operations, and paint storage room:



"No Welding" – The use of welding or cutting equipment in or near this area is dangerous because of fire and explosion hazards. Welding and cutting shall be done only under supervision of the person in charge.

29. No open-flame or spark-producing equipment such as electric motors, etc., shall not be used within 20 feet of any spraying area unless separated by a partition.
30. Electric wiring in a spraying area shall be explosion-proof type approved for Class I, Division I hazardous locations in accordance with the Electrical Code.
31. Portable electric lights or lamps shall not be used in any spraying area.
32. All spraying areas shall be provided with mechanical ventilation adequate to prevent the dangerous accumulation of vapors. The electrical equipment shall be interlocked with the ventilation of spraying area so that the equipment cannot be operated unless the ventilation system is in operation.
33. Where the quantity of flammable and combustible liquids, in five-gallon and smaller containers, exceeds ten gallons (except for sealed original containers; open containers and glass containers shall not be used), it shall be stored in storage cabinets conforming to CFC Section 3404.3.2 or storage or mixing rooms conforming to CFC Section 3404.3.7, 3405.3.7, CFC Section 1503.3.
34. Space heating appliances, steam pipes, and hot surfaces shall not be located in spraying areas.
35. Spray booths and spraying rooms shall be protected by an approved automatic fire extinguishing system.
36. Portable fire extinguishers shall be provided as follows:
  - a. One 40-B:C extinguisher within 30 feet of the most remote area of the booth; or
  - b. One 80-B:C extinguisher within 50 feet of the most remote area of the booth.
37. Spraying areas shall be kept free from the accumulation of deposits of combustible residues by cleaning daily, if necessary.
38. Approved metal waste cans shall be provided for rags or waste impregnated with finishing materials. Such rags and waste shall be deposited in such waste cans immediately after use. The contents of waste cans shall be properly disposed of daily.

39. Air intake filters that are part of a wall or ceiling assembly shall be listed as Class I or II in accordance with UL 900. Exhaust filters shall be required.
40. Supports and holders for filters shall be constructed of noncombustible materials.
41. When flammable mixture is transferred from one portable container to another, a bond shall be provided between the two containers. At least one shall be grounded. Piping systems for Class I and Class II liquids shall be permanently grounded.
42. Class I liquids used as solvents shall be used in spray gun and equipment cleaning machines which have been listed and approved for such purpose or shall be used in spray booths or spraying rooms in accordance with Section 1503.3.5.1 and 1503.3.5.2.
43. All dry chemical fire suppression systems shall be serviced at least semiannually in accordance with the manufacturer's maintenance manual, and immediately after use.
44. Unlisted metal storage cabinets shall be constructed of not less than 0.044 inch (1.12 mm) (No. 18 gage) steel, double walled with 1.5 inch (38mm) air space. All metal joints shall be securely welded or riveted and shall be tight fitted.
45. Wooden storage cabinets, including doors, shall be constructed of exterior grade plywood of at least one inch thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbeted and shall be fastened in two directions with wood screws. Door hinges shall be of steel or brass. Cabinets shall be painted with an intumescent-type paint.
46. Metal or wood cabinets shall be provided with a sill of a minimum of two inches in height. Cabinets shall be liquid tight to the top of the sill.
47. All doors shall be well fitted, self-closing, and equipped with a three-point latch.
48. Flammable liquid cabinets shall be conspicuously labeled in red letters: **FLAMMABLE - KEEP FIRE AWAY.**
49. The total quantity of all liquids in a cabinet shall not exceed 120 gallons.
50. Hazardous materials cabinets shall be labeled in red letters on a contrasting background: **HAZARDOUS - KEEP FIRE AWAY.**
51. Hazardous materials storage requiring a permit shall be stored within a cabinet or other location as determined by the Fire Marshall.

52. The entire interior of the cabinet shall be treated, coated or constructed of materials that are nonreactive with the hazardous material stored.
53. Cabinets shall be either listed in accordance with UL 1275 as suitable for the intended storage or constructed in accordance with the following:
  - a. Cabinets shall be of steel having a thickness of not less than 0.0478 inch (1.2 mm) (No. 18 gage). The cabinet, including the door, shall be double walled with a 1.5 inch (38 mm) airspace between the walls. Joints shall be riveted or welded and shall be tight fitting. Doors shall be well fitted, self-closing and equipped with a self-latching device.
  - b. The bottoms of cabinets utilized for the storage of liquids shall be liquid tight to a minimum height of two inches (51 mm).
54. Electrical equipment and devices within cabinets used for the storage of hazardous gases or liquids shall be in accordance with the California Electrical Code.
55. There must be 3'-0" clear space around the spray booth.
56. A fire protection system must be provided for the spray booth.
57. The applicant must complete and submit a Hazardous Materials packet to the Garden Grove Fire Department.

**Community Development Department Conditions:**

58. The front gate shall remain open during business hours.
59. All auto repair including auto body repair and painting shall be performed within the building. No cars shall be worked on in the parking lot or in the adjacent streets. There shall be no outdoor storage of auto parts or supplies, or wrecked or dismantled vehicles. Any stored vehicle cannot diminish the number of parking spaces required for the businesses located on site nor block any drive aisle or fire lane at any time.
60. All exterior lights shall be reviewed and approved by the City's Planning Division. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences. Lighting shall be restricted to decorative type wall-mounted lights, or preferably, a ground lighting system. Parking area lighting shall be provided during the hours of darkness when the establishment is open at a minimum of two-foot candles of light on the parking surface, and a minimum of one-foot candle of light during all other hours of darkness. No pole-mounted lights shall be permitted along the north and west property lines.

61. The applicant shall submit detailed plans showing the proposed location of any new utilities and mechanical equipment to the Community Development Department for review and approval prior to the issuance of a certificate of occupancy. The existing power pole located within the center of the development shall be removed and all utility lines servicing the existing development shall be placed underground.
62. The parking lot shall be striped in substantial compliance with the submitted plans. Parking space striping shall conform to Garden Grove Standard Plan B-311.
63. All new roof top equipment shall be completely screened from public view. A line of site detail shall be included within plans submitted for building permit and shall be reviewed and approved by the Planning Division prior to issuance of a building permit. The mechanical equipment on the roof of the medical building shall be screened from public view and overall height shall not exceed 35 feet per Code. Final design of the screening shall be subject to Planning Division review and approval prior to issuance of building permits.
64. No exterior piping, plumbing, mechanical ductwork, or rain gutters shall be permitted on any exterior façade.
65. The applicant shall submit a complete, detailed landscape plan governing the entire development. The plan shall include type, size, location and quantity of all plant material. The plan shall include irrigation plans staking and planting specifications. The landscape plan is also subject to the following:
  - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The applicant is and shall be responsible for installation and maintenance of all landscaping on the property and adjacent public parkway.
  - c. Trees planted within ten (10) feet of any public right-of-way shall be planted in root barrier shield. All landscaping along street frontage adjacent to driveways shall be of the low height variety to ensure safe site clearance.
  - d. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan in order to ensure that proper landscape screening will be provided.

Site Plan No. SP-446-08 & Variance No. V-180-08  
Conditions of Approval

66. All landscaping shall be maintained in a healthy green growing condition. All paved area shall be maintained at all times.
67. The applicant/property owner shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-446-08 and Variance No. V-180-08 and their agreement with all conditions of approval.
68. The property shall be maintained free of graffiti. Graffiti shall be removed from the premises and all parking lots under the control of the licensee and/or applicant/owner within 120 hours of occurrence or notice.
69. During permitted hours of operation, noise generated by the operation shall not exceed 55 dBA as measures at the boundaries of the property.
70. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
  - a. Monday through Saturday – not before 7 a.m. and not after 8 p.m. (of the same day).
  - b. Sunday and Federal Holidays – may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
71. During construction the applicant/property owner shall comply with the following measures to contain fugitive dust as required by the City's General Plan EIR:
  - a. Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures such as daily watering of soils, application of non-toxic soils stabilizers, replacement of ground cover in disturbed areas as soon as possible, suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour, and maintenance of a minimum two feet of freeboard on all trucks hauling dirt, sand, soil or other loose material.
  - b. Sweeping of streets near construction area.
  - c. Rinsing of wheels on construction vehicles prior to leaving construction area.
  - d. Paving of all construction access roads at least 100 feet onto the site from the main access points.
  - e. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.

- f. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
- g. 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 CEQA.

## MINUTE EXCERPT

## GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION  
 AMENDMENT NO. A-145-08  
 SITE PLAN NO. SP-446-08  
 VARIANCE NO. V-180-08

APPLICANT: SARAH PHAN

LOCATION: SOUTH SIDE OF PEARL STREET, BETWEEN JOY STREET AND NELSON STREET, AT  
 10712 PEARL STREET

DATE: NOVEMBER 20, 2008

REQUEST: Zone Change Amendment to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan-Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan-Business Center, District 17) to operate a new auto body shop; Site Plan approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance approval to deviate from the front, side, and rear setback requirements of the CCSP-BC17 zone. The site is in the CCSP-BC29 zone.

Staff report was read and recommended approval. Condition of Approval No. 16 was omitted due to being redundant as the Condition is similar to Condition No. 10. One letter was written by Ms. Darlene Agonia for a continuance request so that her family, who are adjacent neighbors, could have more time to study the case.

Commissioner Brietigam asked staff if the project was properly noticed. Staff replied yes; that only one letter was received.

Chair Pierce opened the public hearing to receive testimony in favor of or in opposition to the request.

Ms. Sarah Phan, the applicant's representative, approached the Commission and stated that the deviation of the front setback varies by eight inches to meet the landscaping requirements; that the side and rear setbacks are on the interior of the property; that the owner would like to have more business and proposes a new building on the parking lot; that with regard to noise, the repair work would be inside and there would be no machine echo.

Chair Pierce asked Ms. Phan if she had read and agreed with the Conditions of Approval. Ms. Phan replied yes.

There being no further comments, the public portion of the hearing was closed.

Commissioner Brietigam commented that he would like to support the project; however, he would like to hear the neighbor's response and would support a continuance.

Commissioner Kirkham commented that one person should not hold up a decision as everyone that was noticed had the same time frame to study the project.

Staff added that all documents had been available for review.

Chair Pierce reopened the public portion of the hearing.

Ms. Darlene Agonia approached the Commission and clarified her letter's content; that the letter is from her brother who lives in Sacramento; that he was asked by their 89 year old mother to study the project for her.

There being no further comments, the public portion of the hearing was closed.

Commissioner Beard added again that there are two Commissioners absent that may want to provide input.

Commissioner Brietigam commented that it would be fair for the neighbor to provide a response, unless postponement would be a hardship for the City.

Commissioner Kirkham added that postponement would be a hardship for the applicant.

Commissioner Brietigam moved to continue the case to the December 4, 2008 Planning Commission meeting, seconded by Commissioner Beard. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, NGUYEN, PIERCE
NOES:	COMMISSIONERS:	KIRKHAM
ABSENT:	COMMISSIONERS:	BANKSON, PAK



## MINUTE EXCERPT

## GARDEN GROVE PLANNING COMMISSION

## CONTINUED

PUBLIC HEARING: NEGATIVE DECLARATION  
 AMENDMENT NO. A-145-08  
 SITE PLAN NO. SP-446-08  
 VARIANCE NO. V-180-08

APPLICANT: SARAH PHAN

LOCATION: SOUTH SIDE OF PEARL STREET, BETWEEN JOY STREET AND NELSON STREET, AT  
 10712 PEARL STREET

DATE: DECEMBER 4, 2008

REQUEST: Zone Change Amendment to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan-Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan-Business Center, District 17) to operate a new auto body shop; Site Plan approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance approval to deviate from the front, side, and rear setback requirements of the CCSP-BC17 zone. The site is in the CCSP-BC29 zone.

Staff report was read and recommended approval. One letter of opposition was written by the Rose Agonia Family whose residence abuts the property.

Commissioner Bankson asked staff to clarify the difference between District 17 and 29. Staff replied that District 29 is intended for office type uses, and District 17 is intended for heavier industrial activity such as automotive; that since 1985, the area has had some transition to automotive uses; that the intention for the existing house properties was that they would be recycled into the zoning classification placed in 1985; and that since there has been little recycle activity, this item could begin the transition of the area from residential to commercial.

Chair Pierce opened the public hearing to receive testimony in favor of or in opposition to the request.

Ms. Sarah Phan, the applicant's representative, approached the Commission.

Chair Pierce asked Ms. Phan if she had read and agreed with the Conditions of Approval. Mr. Phan replied yes; and that she supported the condition to replace the curb.

Commissioner Bankson asked Ms. Phan to describe the property's current use. Ms. Phan replied that there is a 6,972 square foot parking lot; that the south side has an auto repair center; that she wants to utilize the 1,792 square foot back area with a building; that the building would be modern with glass windows in the front; that the setback Variance would give a wider access driveway, allow for trash in the back, and provide landscaping; that the ADA requirements have been updated therefore the new building would include a handicap restroom and parking space.

Vice Chair Pak asked for the hours of operation. Ms. Phan replied 8:00 a.m. to 5:30 p.m. Monday through Saturday, closed on Sundays.

There being no further comments, the public portion of the hearing was closed.

Commissioner Beard asked staff if any demolition would be involved.

Staff replied that no, that the auto repair shop on Garden Grove Boulevard would remain.

Vice Chair Pak asked if there would be an access connection between the auto body shop and the auto repair shop. Staff replied yes, that there would be reciprocal access.

Vice Chair Pak moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-145-08 to City Council, and to approve Site Plan No. SP-446-08 and Variance No. V-180-08, seconded by Commissioner Kirkham. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

**ENVIRONMENTAL CHECKLIST FORM**

**1. PROJECT TITLE:**

Code Amendment No. A-145-08, Site Plan No. SP-446-08, and Variance No. V-180-08

**2. LEAD AGENCY:**

City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92640

**3. CONTACT PERSON:**

Chris Chung, Assistant Planner

**4. PROJECT LOCATION:**

10712 Pearl Street

**5. PROJECT SPONSOR:**

Sarah Phan  
2500 S. Fairview St., Unit P  
Santa Ana, CA 92704

**6. GENERAL PLAN DESIGNATION:**

Industrial/Residential Mixed Use 2

**7. ZONING:**

CCSP-BC29 (Community Center Specific Plan – Business Center, District 29)

**8. DESCRIPTION OF PROJECT:**

The applicant is requesting a Zone Change Amendment to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) to operate a new auto body shop; Site Plan approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance approval to deviate from the front, side, and rear setback requirements and the minimum site size requirement of the CCSP-BC17 zone.

**9. OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**

None.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geophysical	<input type="checkbox"/> Energy Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Hazards	<input type="checkbox"/> Water Quality	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
	<input type="checkbox"/> Mandatory Findings of Significance	

**DETERMINATION:**

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

\_\_\_\_\_  
Signature

November 20, 2008  
Date

Chris Chung  
Printed Name

For:  
City of Garden Grove

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of significance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

Potentially Significant Impact	Significant Unless Mitigated	Less than Significant Impact	No Impact
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**I. LAND USE AND PLANNING**

- a. Conflict with General Plan designation or zoning.
- b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project.

**Response (a-b):** A proposed Zone Change Amendment to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) to operate a new auto body shop; Site Plan approval to develop the 6,792 square foot lot with a new 1,787 square foot auto body shop, in conjunction with a request for Variance approval to deviate from the front, side, and rear setback requirements and the minimum site size requirement of the CCSP-BC17 zone.

The site has a General Plan Land Use designation of Industrial/Residential Mixed Use 2, and is zoned CCSP-BC29 (Community Center Specific Plan – Business Center, District 29). The subject property is currently in use as a parking lot for the adjacent property to the south at 10711 Garden Grove Boulevard, which is improved with an auto repair center, James Auto Center. Reciprocal access is available between the two properties. James Auto Center has been in operation since August 1, 1998. The subject property is adjacent to CCSP-BC29 zoned properties to the north, west, and east, and CCSP-PR41 (Community Center Specific Plan – Peripheral Residential, District 41) zoned properties across Garden Grove Boulevard to the south.

Currently, development standards do not list Auto Repair as a permitted use in the CCSP-BC29 zone. While Auto Repair is not currently a permitted use within the CCSP-BC29 zone, it is felt that the use would be consistent with the General Plan for compatibility with other uses and the proposed CCSP-BC17 zoning designation.

- c. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses).

**Response (c):** There are no lands dedicated to agricultural uses within the project area. Therefore, there will be no impacts to agricultural resources or operations.

- d. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community).

**Response (d):** The project will affect the physical arrangement of the existing site, since the proposed James Auto Body shop is proposing a new two-story building; however, there will be no significant impacts to the site since all of the work of the business will be done within the provided car service bays and in the enclosed building as the proposed use is consistent with other uses within the vicinity.

**II. POPULATION AND HOUSING**

- a. Cumulatively exceed official regional or local population projections.
- b. Induce substantial growth in an area either directly

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure).

- c. Displace existing housing, especially affordable housing.

**Response (a-c):** There will be no impact to the existing population and housing, as the proposed project and code amendment does not affect any residential developments within the community.

### III. GEOPHYSICAL

- a. Seismicity: Fault rupture.

**Response:** According to the seismic and safety element of the General Plan, the Shady Canyon fault is the only fault line known to exist within the Garden Grove city limits. The fault has no history of seismic activity and is not considered to be active. The city lies in proximity to the Newport/Inglewood fault, as well as larger fault lines, which may affect buildings within Garden Grove.

Some exposure to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County and the proposed project does not alter the existing exposure. To mitigate any potential impacts all construction is required to adhere to the California Building Code as it pertains to seismic safety.

- b. Seismicity: Ground shaking or liquefaction.

**Response:** The project area, like all of Southern California, is subject to ground-shaking and other secondary impacts from seismic activity, such as liquefaction. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the saturated nature of the sandy soils in the area. To mitigate any potential impacts, all construction is required to adhere to the California Building Code, as it pertains to seismic safety.

- c. Seismicity: Seiche or tsunامي.

**Response:** Seiches and tsunamis are not anticipated to occur in the vicinity of this project due to its distance from the coast and absence of large water bodies in the project area.

- d. Landslides or mudslides.

**Response:** The project area is relatively flat and would not normally be subject to landslides or mudslides. The construction of the proposed project will not involve excavations of any type.

- e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.

**Response:** No changes in topography will result from the establishment of the proposed use. A new building is being proposed, and no improvements to the site

	Potentially Significant	Less than Significant	No Impact
Significant Impact	Unless Mitigated	Impact	

to be constructed will have a negative impact. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety Requirements.

- f. Subsidence of the land.

**Response:** Differential settlement or subsidence of the land surface can be caused by several factors, including the withdrawal of oil, gas, or water from underlying formations, decomposition of buried organic material, and construction of heavy manmade structures above underlying poorly consolidated materials. None of these or any other conditions typically contributing to subsidence are expected in the project area. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety requirements.

- g. Expansive soils.

**Response:** All improvements are required to adhere to applicable codes including the Uniform Building Code, and California Occupational Safety requirements.

- h. Unique geologic or physical features.

**Response:** There are no known unique geologic or physical features in the project area. The subject site is flat and will be developed with a new building for the proposed use.

#### IV. HYDROLOGY AND WATER QUALITY

- a. Violate any water quality standards or waste discharge requirements?

**Response:** The project will not involve operations that could affect water quality standards. The project site is located within an urbanized area. The use of the proposed development will not generate the types of activities that would effect water quality standards or waste discharge requirements.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

**Response:** The project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction would not require substantial excavations, other extensive below-grade work, or the use of large quantities of water.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration

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	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

**Response (c-d):** There are no surface waters within the project area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect surface waters.

- e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?

**Response:** The project does propose site improvements; however, these improvements would not likely change absorption rates, drainage patterns and the rate or amount of surface run-off and drainage will be improved with the proposed development as the land is presently urbanized. There is an existing auto repair center adjacent to the site, and there are no problems with any of the previously mentioned circumstances. Proper drainage currently is provided. Grading and drainage plans are required for this project and will be provided for the plan check process after the subsequent approval of the proposed project.

- f. Otherwise substantially degrade water quality?

**Response:** The project does propose site improvements; however, these improvements would not likely change absorption rates, drainage patterns or the rate or amount of surface run-off as the site is presently developed in a negative way. Proper drainage is currently provided. Grading and drainage plans are required for this project and will be provided for the plan check process after the subsequent approval of the proposed project.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

- h. Place structures within a 100-year flood hazard area which would impede or redirect flood flows?

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?



	Potentially		
	Significant	Less than	
Significant	Unless	Significant	No
Impact	Mitigated	Impact	Impact

**Response (g, h, i):** The project area is located within the Flood Hazard Zone "X", as determined by the Federal Emergency Management Agency Flood Insurance Rate Map No. 06059C0138H (Community No. 060220, Panel No. 0138H), issued on February 18, 2004. 100-year flood zone. Flood Zone "X" is not subject to the flood hazard ordinance.

- j. Inundation by seiche, tsunami, or mudflow?

**Response:** Seiches, tsunamis and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, the absence of large bodies of water, and the absence of hilly or mountainous terrain that could potentially cause mudflows.

- k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?

**Response:** Project run-off will be directed into the existing storm drain system adjacent to the site. The local storm drain system has adequate capacity to handle the incremental increase in storm and urban water run-off generated by this project.

- l. Result in significant alteration of receiving water quality during or following construction?

**Response:** There are no surface waters within the area in which the project is to be located. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not significantly affect receiving water quality.

- m. Could the project result in increased erosion downstream?

- n. Result in increased impervious surfaces and associated increased run-off?

- o. Create a significant adverse environmental impact to drainage patterns due to changes in run-off flow rates or volumes?

**Response (m, n, o):** There will be a less than significant change in absorption rates, drainage patterns, and in the rate or amount of surface run-off, as the land is presently urbanized. Proper drainage is currently provided. Grading and drainage plans are required for this project and will be provided for the plan check process after the subsequent approval of the proposed project.

- p. Tributary to other environmentally sensitive areas?

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	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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If so, can it exacerbate already existing sensitive conditions?

- q. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list?

If so, can it result in an increase in any pollutant for which the water body is already impaired?

- r. Have a potentially significant environmental impact on surface water quality to either marine, fresh or wetland waters?

**Response (p, q, r):** All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not affect existing environmentally sensitive areas or surface water quality.

- s. Have a potentially significant adverse impact on ground water quality?

- t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

**Response (s, t):** No impact is anticipated to occur to groundwater, as the project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential, commercial, and industrial uses.

- u. Impact aquatic, wetland, or riparian habitat?

**Response:** The project will not impact aquatic, wetland or riparian habitats as no such environments are located within the project area or in the immediate area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect any aquatic, wetland or riparian habitat.

**V. AIR QUALITY**

- a. Violate any air quality standard or contribute to an existing or projected air quality violation?

**Response:** The project area, like all of the South Coast Air Quality Management District, is located in an extreme non-attainment area, with regard to Federal air quality standards. During the construction phase of the project, increased dust and odor levels are anticipated in the immediate project area. This type of impact is considered insignificant due to the temporary nature of the impact. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust. The permitted uses and operations anticipated in the project will not create the potential for significant amounts of air pollutants since all operations will take place within a building and all

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	Potentially Significant	Less than Significant	No Impact
Significant Impact	Unless Mitigated	Impact	

operations will be required to meet all AQMD and Fire Department requirements for painting and repair of vehicles. There will be no long-term impacts to air quality.

- b. Expose sensitive receptors to pollutants?

**Response:** Temporary impacts (e.g., increased dust and odor levels) to sensitive receptors may occur during the construction phase of the project. This type of impact is considered insignificant since construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust. There will be no long-term impacts to air quality since the project will comply with all AQMD and Fire Department requirements.

- c. Alter air movement, moisture, or temperature, or cause any change in climate?

**Response:** The proposed project is not large enough in scale to alter air movement, moisture or temperature, or cause a change in the climate.

- d. Create objectionable odors.

**Response:** No objectionable odors will be created by the project. During construction, odors may occur within the immediate area of the tenant space. This impact is not considered significant due to its temporary nature. The General Plan EIR addressed odors that would result of new construction. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors. No post-construction odors are anticipated from the commercial development of this site since the proposed use will be required to adhere to AQMD and Fire Department requirements. Construction will be done for exterior and interior development through the new proposed building.

**VI. TRANSPORTATION**

- a. Increased vehicle trips or traffic congestion?

**Response:** The project will not result in additional traffic generation. No increase in daily trips is anticipated. Adjacent public right-of-ways are fully developed and have sufficient carrying capacity to accommodate any traffic that may be generated by the project. The circulation system is designed to accommodate future growth, as envisioned by the General Plan, and associated EIR.

- b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**Response:** As part of the project review, City staff evaluated vehicles and pedestrian safety, including review of access to the site, and on-site internal circulation to minimize pedestrian/vehicular conflicts both on-site and in the vicinity. The project's potential to result in adverse traffic or safety impacts is considered less-than-significant.

- c. Inadequate emergency access to nearby uses?

	Potentially	Less than	
	Significant	Significant	No
Significant	Unless	Significant	Impact
Impact	Mitigated	Impact	

**Response:** The project does not propose elements or aspects that would obstruct or restrict emergency access to or through the area. In conjunction with the review and approval of building permits, the City of Garden Grove will review all plans to assure compliance with all applicable emergency access and safety requirements.

- d. Insufficient parking capacity on-site or off-site?

**Response:** The project has been designed to comply with the minimum number of parking spaces required by the Municipal Code. The proposed site plan will provide a total of nine (9) parking spaces, six (6) open parking spaces and three (3) spaces within service bays.

- e. Hazards or barriers for pedestrians or bicyclists?

**Response:** No construction is proposed that could create hazards or barriers for pedestrians and/or bicyclists.

- f. Conflicts with adopted policies supporting alternative transportation?

**Response:** The project does not propose elements or aspects that would typically interfere with, or otherwise affect alternative transportation modes. Potential impacts in this regard, if any, are considered less-than-significant.

- g. Rail, waterborne or air traffic impacts?

**Response:** There are no air or waterborne traffic corridors in the immediate area. The site is not located within a flight path for any airport.

**VII. BIOLOGICAL RESOURCES**

- a. Endangered, threatened species, or their habitats (including but not limited to plants, fish, insects, animals, and birds)?

**Response:** The project site is located in a highly urbanized area. Therefore, endangered species are not expected to live in the area due to lack of suitable habitat.

- b. Locally designated species (e.g., heritage trees)?

- c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

**Response (b, c):** The site is devoid of native vegetation and there are no locally designated species and natural communities on the project site.

- d. Wetland habitat (e.g., marsh, riparian and vernal pool)?

**Response:** There are no wetland habitats in the area of the project site.

- e. Wildlife dispersal or migration corridors?

	Potentially	Less than	
	Significant	Significant	No
Significant	Unless	Significant	No
Impact	Mitigated	Impact	Impact

**Response:** The project area does not serve as a dispersal and/or migration corridor as the area is within a highly urbanized area.

**VIII. ENERGY AND MINERAL RESOURCES**

- a. Conflict with adopted energy conservation plans.

**Response:** The proposed Amendment and subsequent entitlements for the proposed establishment of the auto body shop on this site is not in conflict with adopted energy conservation plans. The proposed facility will be required to utilize energy conservation measures as part of the project construction.

- b. Use non-renewable resources in a wasteful and inefficient manner?

**Response:** All development on the project site is required to adhere to all State and City energy-conservation regulations, including energy efficient lighting, ventilation, and heating systems.

**IX. HAZARDS**

- a. A risk of accidental explosion or release of hazardous substances (e.g., oil, pesticides, chemicals, and radiation)?

- b. Possible interference with an emergency response plan or emergency evacuation plan?

- c. The creation of any health hazard or potential health hazard?

- d. Exposure of people to existing sources of potential health hazards?

**Response (a, b, c, d):** The use of paint and other potential hazardous substances may be used; however, no potential health hazards, created by the proposed development or use is anticipated. Due to the City's requirements for storage of hazardous materials (i.e., paint, oil, etc.), the project will not increase the risk of accidental explosion, release of hazardous substances, or create an interference with existing emergency response or evacuation plans.

- e. Increased fire hazard in area with flammable brush, grass, or trees?

**Response:** There are no anticipated physical changes that would increase fire hazards within the project area. All proposed landscaping on the site is required to be permanently maintained.

- f. Would the project include new, or retrofitted, storm water Treatment Control BMPs (e.g., water quality treatment basin, constructed treatment wetlands), the operation of which could result in

	Potentially	Less than	
	Significant	Significant	No
Significant	Unless	Impact	Impact
Impact	Mitigated		

significant environmental effects (e.g., increase vectors and odors)?

**Response:** The project will not use new treatment BMPs that could create an increase in odors or vectors.

**X. NOISE**

a. Increases in existing noise levels?

**Response:** Construction activities associated with the improvements may temporarily increase noise levels, at noise-sensitive receptors, adjacent to the project site; however, with the temporary nature of the construction-related activities, and requirements for contractor compliance with County and City noise ordinances, noise impacts will be mitigated to a level of insignificance.

There are no physical changes on the project site that would likely increase noise levels beyond those existing. On the site adjacent to the subject property, there is an existing auto repair center.

b. Exposure of people to extreme noise levels?

**Response:** Construction noise may occur within the project area. Although construction noise could cause an annoyance for surrounding uses, due to the temporary nature of any construction activities and the fact that construction activities and future development would be required to adhere to the County and City noise Ordinances, the impact of extreme noise levels from any potential construction activities is considered to not be significant. Noise from the proposed use will not be extreme, as the activities are limited and regulated by the Garden Grove Municipal Code.

**XI. PUBLIC SERVICES**

a. Fire protection?

**Response:** The City of Garden Grove Fire Department currently provides emergency response service to the project area. The project is not likely to induce significant growth or result in substantial new demand for fire protection services; however, new construction will occur and due to the nature of the proposed use, there may be a slight increase in the demand for fire protection services. In order to mitigate impacts, the development shall comply with the conditions of approval of the Fire Department, which include operational provisions required by the Fire Department that address proper storage of hazardous liquids as well as restrictions on exposure to and handling of flammable liquids. Compliance to the Fire Department conditions will further assist in reducing potential impacts.

b. Police protection?

**Response:** The Garden Grove Police Department currently provides police protection in the area. The project is not likely to induce growth and or result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly increase demands for police protection.

	Potentially			
	Significant	Less than		
	Unless	Significant	No	
	Mitigated	Impact	Impact	
Significant				
Impact				

c. Schools?

**Response:** The proposed development and associated Amendment will not increase the number of housing units within the Garden Grove Unified School District and will not induce significant growth. Therefore, no impact to area schools is anticipated.

d. Maintenance of public facilities, including roads?

**Response:** The Public Works Department has reviewed the project and will not require public facility improvements. Therefore, no impact on public facilities, including roads, is anticipated.

e. Other governmental services?

**Response:** No additional governmental services will be required for this project.

**XII. UTILITIES AND SERVICE SYSTEMS**

a. Power or natural gas?

**Response:** There are no significant impacts to power or natural gas caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

b. Communication systems?

**Response:** There are no impacts to the communication system caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

c. Local or regional water treatment or distribution facilities?

**Response:** There are no impacts to water treatment or distribution facilities caused by this project. The infrastructure is existing and adequate to meet the demands of the area including those generated by the project.

d. Sewer or septic tanks?

**Response:** The Water Services Division has reviewed the project, and has determined that the area is not located in a sewer deficiency area. The existing sewer system is sufficient to accommodate the proposed development and therefore the potential impact is considered less than significant.

e. Storm water drainage?

**Response:** There are less than significant impacts to the existing utilities and services systems caused by this project. The existing systems are adequate to meet the demands of the area including those generated by this project.

f. Solid waste disposal?

	Potentially Significant	Less than Significant	No Impact
Significant Impact	Unless Mitigated	Impact	

**Response:** Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contract. The project does provide a new trash enclosure.

**XIII. AESTHETICS**

- a. Affect on a scenic vista or scenic highway?

**Response:** The project area is not adjacent to any scenic vistas or highways. The physical improvements for this site will be compatible with the surrounding area.

- b. Have a demonstrable negative aesthetic effect?

**Response:** The project is considered visually and aesthetically appropriate for its context and does not represent a detrimental alteration of the existing visual attributes of the site or vicinity. As such, the potential for the project to have a demonstrable negative aesthetic effect is non-existent.

- c. Create light or glare?

**Response:** The project is required to place lighting structures in a manner that will have minimal impacts to the abutting properties. All lighting is required to be directed, positioned, or shielded in such a manner to minimize any unreasonable illumination on to adjacent properties and roadways. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels.

**XIV. CULTURAL RESOURCES**

- a. Disturb paleontological resources?

- b. Disturb archaeological resources?

**Response (a, b):** There are no known paleontological and archaeological resources in the area. If unanticipated paleontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.

- c. Affect historical resources?

**Response:** There are no known historical resources in the area. The Garden Grove General Plan Update notes 13 historically significant or potentially significant sites within the City limits. None of these sites is located in the project area.

- d. Have the potential to cause physical change, which would affect structures of unique cultural or ethnic value?

**Response:** There are no structures or activities that have unique cultural or ethnic value. The project, therefore, will not have the potential to affect unique ethnic or cultural values.

- e. Restrict existing religious or sacred uses within the potential impact area?



	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

**Response:** The proposed project is not in proximity to any known religious facilities or other sacred places. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

**XV. RECREATION**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Affect existing recreation facilities.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response (a-b):** The proposed project will not impact existing recreation facilities. Since the project is a new use within an existing commercial development there will be no increase in demand or need for additional neighborhood or regional parks or other recreational facilities.

**XVI. MANDATORY FINDINGS OF SIGNIFICANCE**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. The project does not have impacts that are individually but cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable, when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects).  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XVII. EARLIER ANALYSIS**

Earlier analyses may have been used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).

- a. **EARLIER ANALYSIS:**
1. The City of Garden Grove General Plan Update
  2. The City of Garden Grove Existing Condition Report

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No  
Impact

3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 93051015

4. Title 9 of the Garden Grove Municipal Code

**b. IMPACTS ADEQUATELY ADDRESSED:**

1. Geophysical
2. Hydrology and Water Quality
3. Transportation
4. Noise
5. Public Services

**c. MITIGATION MEASURES:**

All conditions of approval for Site Plan No. SP-446-08 and Variance No. V-180-08 shall be adhered to, in order to mitigate negative impacts on the property or surrounding area.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT NO. A-145-08, TO CHANGE THE ZONE OF THE SUBJECT PROPERTY, LOCATED AT 10712 PEARL STREET, FROM CCSP-BC29 (COMMUNITY CENTER SPECIFIC PLAN – BUSINESS CENTER, DISTRICT 29) TO CCSP-BC17 (COMMUNITY CENTER SPECIFIC PLAN – BUSINESS CENTER, DISTRICT 17) TO OPERATE A NEW AUTO BODY SHOP.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES FINDS AND DETERMINES AS FOLLOWS:

SECTION 1:

WHEREAS, the case, initiated by Sarah Phan, is requesting approval to change the zone of the subject property, located at 10712 Pearl Street, from CCSP-BC29 (Community Center Specific Plan – Business Center, District 29) to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) to operate a new auto body shop. The site is located on the south side of Pearl Street, between Joy Street and Nelson Street, Parcel No. 089-092-02; and

WHEREAS, the project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove City Council does hereby adopt a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for land located on the south side of Pearl Street, between Joy Street and Nelson Street at 10712 Pearl Street, Parcel No. 089-092-02. Further, the City Council finds a de minimis impact in relation to fish and game; and

WHEREAS, pursuant to Resolution No. 5660 the Planning Commission, at a duly advertised public hearing, recommended approval of Amendment No. A-145-08 on December 4, 2008; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on February 10, 2009, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

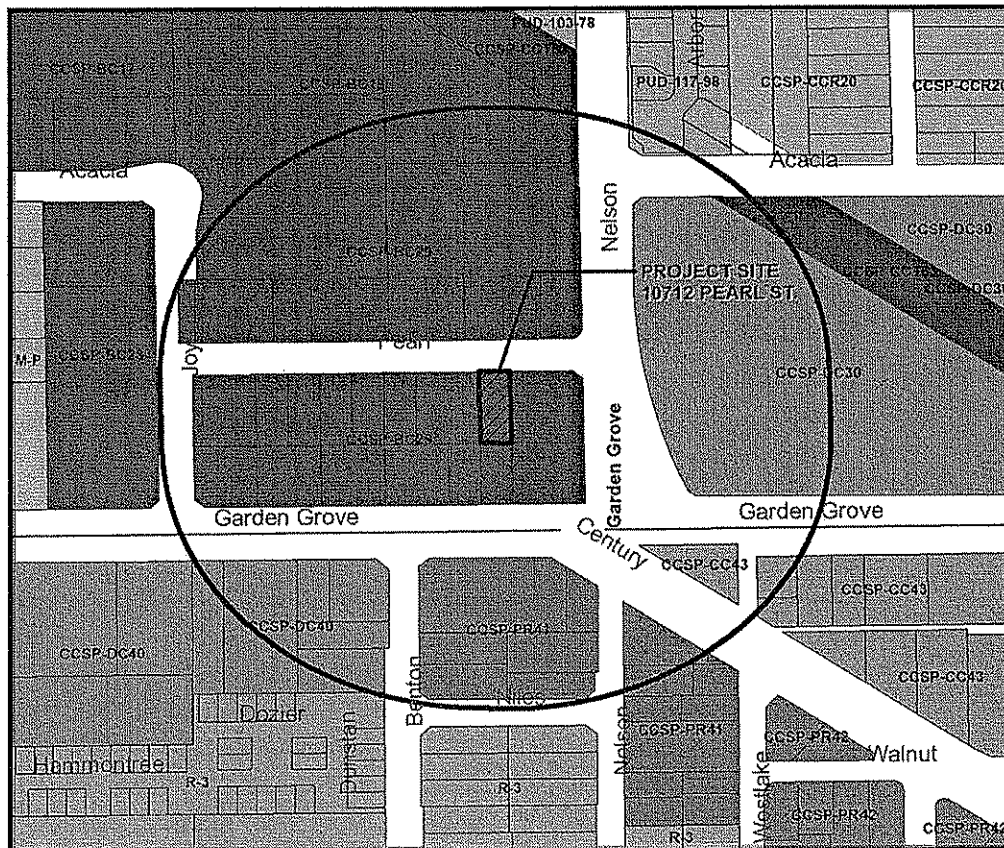
SECTION 1: The City of Garden Grove City Council has considered the proposed Negative Declaration together with the comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council decision is based is located at the City of Garden Grove, 11222 Acacia Parkway,

Garden Grove, California. The custodian of record of proceedings is the Director of Community Development who maintains the record of proceedings at 11222 Acacia Parkway, Garden Grove. City of Garden Grove City Council finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, City of Garden Grove City Council adopts the Negative Declaration.

**SECTION 2:** Amendment No. A-145-08 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5660, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

**SECTION 3:** The property shown on the map attached hereto is rezoned to CCSP-BC17 (Community Center Specific Plan – Business Center, District 17) as shown thereon. Zone Map part O-12 is amended accordingly.

**SECTION 4:** This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council Members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.





GARDEN GROVE

City of Garden Grove

IN CONNECTION WITH AGENDA ITEM NO. 7.b.

RECEIVED CITY OF GARDEN GROVE CITY CLERK'S OFFICE

2009 FEB -9 A 11:03

XUAN NGUYEN, BINH
C010 C010
10691 PEARL ST
GARDEN GROVE, CA 92840



PROJECT DESCRIPTION: A REQUEST FOR A ZONE CHANGE AMENDMENT TO CCSP-BC17 (COMMUNITY CENTER SPECIFIC PLAN - BUSINESS CENTER, DISTRICT 17) IN ORDER TO OPERATE A NEW AUTO BODY SHOP IN CONJUNCTION WITH AN APPROVED SITE PLAN AND VARIANCE.
PROJECT LOCATION: SOUTH SIDE OF PEARL STREET BETWEEN JOY STREET AND NELSON STREET AT 10712 PEARL STREET
CASE NUMBER: NEGATIVE DECLARATION AMENDMENT NO. A-145-08
ZONE: CCSP-BC29 (COMMUNITY CENTER SPECIFIC PLAN-BUSINESS CENTER, DISTRICT 29)

The City of Garden Grove has determined that a Negative Declaration be adopted pursuant to CEQA. (Pursuant to Resolution No. 5660, the Planning Commission on December 4, 2008 recommended approval.)

\* MY NAME: XUAN NGUYEN BINH, HOUSEOWNER IN 10691 PEARL ST WITH MY TENANTS, WE AGAINST THE PROPOSAL AS OUTLINED ABOVE.
REASONS: NO SPACE ON STREETS AND SIDEWALK FOR PARKING LOTS

FEB/03/09

Handwritten signature of the complainant.