

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal From: Susan Emery
Dept: City Manager Dept: Community Development
Subject: AN APPEAL OF CONDITIONAL USE PERMIT NO. CUP-257-09 AND VARIANCE NO. V-181-09 Date: May 12, 2009

OBJECTIVE

To adopt a resolution upholding the Planning Commission's decision approving Conditional Use Permit No. CUP-257-09 and Variance No. V-181-09 to operate a 3,944 square foot cosmetology school, ASEL Beauty College, located at 9240 Garden Grove Boulevard, Suite 10, and thereby deny the Appeal of the Conditional Use Permit and Variance.

BACKGROUND AND DISCUSSION

Pursuant to the City Council's direction at the April 28, 2009 City Council meeting, attached is a draft resolution denying the appeal and upholding the Planning Commission's decision to approve Conditional Use Permit No. CUP-257-09 and Variance No. V-181-09. Draft findings to support the recommendation are included in the resolution for City Council consideration.

FINANCIAL IMPACT

No financial impacts are anticipated with this request.

COMMUNITY VISION IMPLEMENTATION

The Community Vision Statement seeks to ensure the compatibility between new and existing developments, and also to foster the development of small businesses. The proposed cosmetology school will be a compatible use with the existing businesses located within the shopping center, and will provide a benefit to the community by encouraging new career opportunities.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the resolution upholding the Planning Commission's decision approving Conditional Use Permit No. CUP-257-09 and Variance No. V-181-09, and thereby deny the Appeal of the Conditional Use Permit and Variance.



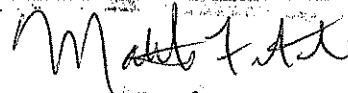
SUSAN EMERY

Community Development Director



By: Maria Parra
Urban Planner

Recommended for Approval:



Matthew Ferial
City Manager

Attachment 1: Draft City Council Resolution denying the Appeal of Conditional Use Permit No. CUP-257-09 and Variance No. V-181-09

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S
DECISION TO APPROVE CONDITIONAL USE PERMIT NO. CUP-257-09 AND
VARIANCE NO. V-181-09

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by Hye Vin Lee, requests to operate a 3,944 square foot cosmetology school, ASEL Beauty College, within an existing multi-tenant shopping center, and a Variance request to allow the school to deviate from the minimum parking requirement, in the C-2 (Community Commercial) zone, for property located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane, at 9270 Garden Grove Boulevard, Suite 10, Parcel No. 097-571-07; and

WHEREAS, the City of Garden Grove determines that this action is exempt from environmental review pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act regulations; and

WHEREAS, pursuant to Resolution No. 5672, the Planning Commission, at a public hearing on February 19, 2009, approved Conditional Use Permit No. CUP-257-09 and Variance No. V-181-09; and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on April 28, 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 during its meeting of April 28, 2009.

NOW, THEREFORE, THE CITY COUNCIL FURTHER FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

1. Finding: Special circumstances relating to the size and shape of the subject property are applicable. As a result, the strict application of the zoning ordinance relating to parking requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under the commercial zoning classification.

Supporting Facts: The subject property is not large enough to accommodate the number of parking spaces that would be required for a beauty college under the strict application of the City's parking requirements. Five other beauty colleges are, however, located in the City under the commercial zoning classification applicable to the subject property. In order to ensure that the Applicant enjoys the same privilege to operate as other beauty schools located in the City in the same zoning

classification without adversely impacting the surrounding vicinity, the project is conditioned to limit the maximum number of students and employees that may be on the beauty school premises at any one time (Condition No. 30). In addition, in order to minimize any impacts in the surrounding vicinity, the Applicant is required to direct that its students shall not park directly in front of the building (Condition No. 32). These conditions, in conjunction with the fact that the parking study has established that the peak demand for parking at the project site is less than 50% of the parking spaces available at the site (64 of the 132 spaces available), will ensure that the beauty college will receive the same privileges as the other beauty colleges operating in the City under the commercial zoning classification.

2. Finding: The variance is subject to conditions that will assure that the variation from the parking requirements will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Supporting Facts: Limiting the scope of operation of the beauty school to a maximum of 25 students and 3 employees at any one time will assure that ample parking remains available for the other uses on the subject property. As a result, this project approval will not result in a grant of special privileges inconsistent with other properties in the vicinity and in the same zone. By limiting the scope of the beauty school's operations, the beauty school will have the opportunity to conduct its business without causing adverse parking impacts. This will allow the beauty school to operate in the same manner as other properties which are subject to the strict application of the City's parking requirements, but whose businesses are not limited by conditions of approval such as those being imposed on the Applicant.

3. Finding: The variance will not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the property.

Supporting Facts: The site has a General Plan land use designation of Light Commercial and is zoned C-2 (Community Commercial). Cosmetology schools are allowed in the C-2 zone.

4. Finding: The property meets the requirements for handicap parking.

Supporting Facts: The property provides 4 handicap parking spaces as required by federal and state law.

5. Finding: The public health and safety are not threatened by the parking and traffic impacts of this project.

Supporting Facts: The parking study for the project site confirms that the parking lot is under-utilized, with less than 50% of the parking spaces occupied during peak demand times. In addition, the last traffic accident at the site reported to the police was a minor, non-injury incident occurring on July 12, 2007. The

project site will be able to accommodate the parking needs of the beauty school and other businesses at the site, along with the associated traffic, without adverse impacts to the public health and safety.

6. The City Council denies the appeal and upholds the Planning Commission's decision to approve Conditional Use Permit No. CUP-257-09 and Variance No. V-181-09 for the reasons identified in the staff report dated April 28, 2009, which is incorporated herein by reference and for the reasons set forth herein.

7. The City Council hereby concurs with and adopts the findings of the Planning Commission as stated in Planning Commission Resolution No. 5672. A copy of Planning Commission Resolution No. 5672, and the conditions of approval as referenced in Exhibit "A" are on file in the office of the City Clerk and incorporated herein by reference with the same force and effect as set forth in full.