

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew Fertal	From:	Susan Emery	
Dept:	City Manager	Dept:	Community Development	
Subject:	AMENDMENT NO. A-162-11 AMENDING TITLE 9 OF THE MUNICIPAL CODE TO ALLOW "INDOOR SPORTS FACILITY" USES IN THE M-P (INDUSTRIAL PARK) ZONE SUBJECT TO A CONDITIONAL USE PERMIT		Date:	December 13, 2011

OBJECTIVE

To transmit a recommendation from the Planning Commission to adopt a Negative Declaration and approve Amendment No. A-162-11 amending Title 9 of the City of Garden Grove Municipal Code to allow "indoor sports facility" uses in the M-P (Industrial Park) Zone subject to a Conditional Use Permit.

BACKGROUND

The subject site is a vacant building on the southeast corner of Western Avenue and Lampson Avenue. The building is approximately 80,000 square feet and has a front office connected to a large warehouse space. One of the applicants will move his Solar Company, Progressive Power Group, to the site and use the front office (approximately 8,000 square feet) and a portion of the warehouse (7,000 square feet) at the back for its business operation. The remainder of the warehouse will be converted into an indoor sports facility with eight (8) courts in an area of approximately 65,000 square feet.

History of the Project:

The Community Development Department had been receiving inquiries about the reuse of larger warehouse buildings for indoor sports facilities. These buildings are the right size for such an indoor sports facility as the volume and height of existing warehouse spaces can accommodate multi-court layouts with just interior tenant improvements. Planning staff presented these inquiries to other City Departments. The consensus among City Staff was that the buildings were suitable for the use and filling vacant spaces with new tenants was an important consideration. However, it was further determined that it was important to maintain the essential character of the City's industrial areas and therefore, the number of conversions from warehouse to sports facility should be limited.

The MAP Sports Facility management team is three partners: two businessmen, Ross Butcher and Bret Clawson; and the owner of "Hoops Unlimited", Marty Walker. Hoops Unlimited has been a premier men's basketball league in Southern California for over twenty years. One of the partners, Ross Butcher, owns a company in Garden Grove called Progressive Power Group, Inc. (PPG) that specializes in solar electricity and that has outgrown its current Garden Grove location. Mr. Butcher has been working with Planning staff for two years to find a suitable location for a sports facility to house basketball/volleyball courts for adult league play. Once the MAP partners found the location at 12552 Western Avenue, they moved ahead with the request to amend the Code to allow the use in the M-P Zone, to adopt a Negative Declaration, and to approve a Conditional Use Permit for their business operation at the site.

November 3, 2011: The Planning Commission considered Amendment No. A-162-11, amending Title 9 to allow a new use, an "Indoor Sports Facility," in the M-P (Industrial Park) Zone subject to a Conditional Use Permit, along with approval of a Conditional Use Permit for the MAP Sports Facility (MAP) at 12552 Western Avenue, and adoption of a Negative Declaration. One of the business owners of MAP, Marty Walker, spoke as the applicant to the Planning Commission. There was one other speaker, the property manager, who spoke in favor of the proposal as the representative of the property owner.

Planning staff provided the Planning Commission with six (6) letters in opposition to the Code Amendment and Conditional Use Permit. The six (6) letters all have the same content, but are from different companies. One of the letters is from the Container Supply Company, a large manufacturing company that includes several lots in the area immediately across Western Avenue. The other letters appear to come from affiliates and tenants of the Container Supply Company. A letter of support from the Community Services Director, Kim Huy, was also provided to the Planning Commission.

The Planning Commission voted five to zero, with two absences, to adopt Resolution No. 5750-11, adopting a Negative Declaration and approving Conditional Use Permit No. CUP-339-11, and to adopt Resolution No. 5749-11 recommending approval of Amendment No. A-162-11 and adoption of a Negative Declaration to the City Council.

DISCUSSION

The Code Amendment will preserve the character of the industrial area and allow a limited number of indoor sports facility uses. The intention is not to fundamentally alter the allowable uses existing in the M-P zone; all current industrial, warehousing, and research and development uses will continue to be permitted. The amendment will allow a limited number of indoor sports facility uses to share space with the industrial uses. The indoor sports facility uses will not operate at the same time as regular business hours; rather the uses will operate after-hours on weekday evenings and on the weekends. Each individual proposal will be subject to Conditional Use Permit approval. The Conditional Use Permit allows individual review of a proposed business operation and tailors the Conditions of Approval to each unique site.

The Code Amendment includes the following changes to Title 9:

1. A new definition of "indoor sports facility" as the use is different in operation from an athletic club or gym.
2. A change to the Land Use Matrix allowing indoor sports facility uses in the M-P Zone subject to approval of a Conditional Use Permit.
3. Detailed standards for indoor sports facility uses including limiting the number to four (4) and requiring that such uses be located on properties facing and having access on a primary or secondary arterial.
4. An addition to the Parking Matrix requiring that a parking study be prepared by a licensed traffic engineer.

The Conditional Use Permit process will ensure that each proposed indoor sports facility within the M-P Zone will be reviewed and conditioned as necessary so as to comply with all City code requirements.

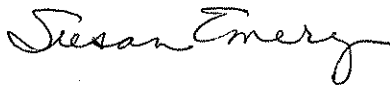
FINANCIAL IMPACT

There is no financial impact to the City regarding this proposed amendment.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Hold a Public Hearing for consideration of Amendment No. A-162-11 amending Title 9 of the City of Garden Grove to allow indoor sports facility uses in the M-P (Industrial Park) Zone subject to a Conditional Use Permit, along with a Negative Declaration for the project; and
- Introduce the attached ordinance for the first reading adopting the Negative Declaration and approving Amendment No. A-162-11.



SUSAN EMERY
Community Development Director



By: Erin Webb
Senior Planner

- Attachment 1: Planning Commission Staff Report with Initial Study dated November 3, 2011
Attachment 2: Planning Commission Resolution No. 5749-11
Attachment 3: Planning Commission Resolution No. 5750-11 with Conditions of Approval
Attachment 4: Planning Commission Minute Excerpt dated November 3, 2011
Attachment 5: Draft Ordinance for Code Amendment for Amendment No. A-162-11

Approved for Agenda Listing



Matthew Fertal
City Manager

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southeast corner of the intersection of Western Avenue and Lampson Avenue at 12552 Western Avenue
HEARING DATE: November 3, 2011	GENERAL PLAN: Industrial
CASE NOS: Code Amendment No. A-162-11, Conditional Use Permit No. CUP-339-11	ZONE: M-P (Industrial Park)
APPLICANT: Alden Management Group, Andrew Zimbaldi	APN: 251-032-01
PROPERTY OWNER: Deutsch & SDL Ltd.	CEQA DETERMINATION: Negative Declaration

REQUEST:

A request for a Code Amendment to Title 9 of the City of Garden Grove Municipal Code to allow "indoor sports facility" uses in the M-P (Industrial Park) zone subject to a Conditional Use Permit, and approval of a Conditional Use Permit for the MAP Sports Facility (MAP) at 12552 Western Avenue.

BACKGROUND:

The MAP Sports Facility management team is three partners: two businessmen, Ross Butcher and Bret Clawson; and the owner of "Hoops Unlimited", Marty Walker. "Hoops Unlimited" has been a premier men's basketball league in Southern California for over twenty years. One of the partners, Ross Butcher, owns a company in Garden Grove called Progressive Power Group, Inc. (PPG) that specializes in solar electricity and has outgrown its current Garden Grove location. Mr. Butcher has been working with planning staff for two years to find a suitable location for a "Sports Facility" to house basketball/volleyball courts for adult league play.

Business owners looking to operate indoor sports facilities are interested in larger warehouse buildings as they are the right size to accommodate a facility with indoor courts. The volume and height of existing warehouse spaces can accommodate a multi-court practice facility and the construction is limited to interior tenant improvements.

The operation of MAP is proposed to take advantage of the hours when most of the industrial businesses in the area are closed. MAP proposes to operate from 6:00 p.m. to 10:00 p.m. on weekdays and 10:00 a.m. to 6:00 p.m. on the weekends. The MAP Sports Facility also shares the site with Ross Butcher's business Progressive Power

Group. PPG will have office hours that run from 8:30 a.m. to 5:30 p.m. Monday through Friday.

The overall parcel at the southeast corner of Western Avenue and Lampson Avenue is approximately six (6) acres in size. The property is divided in two, with a large approximately four (4) acre, site at the corner and a smaller, approximately two (2) acre, site wrapping around the south and east sides of the larger portion. The smaller site has a building that fronts on the Western Avenue frontage and is approximately 21,000 square feet in area. A company named South Coast Logistics occupies this building.

The larger, corner portion of the lot has an existing building of approximately 80,000 square feet that has a front office connected to a large warehouse space. Progressive Power Group will use the front office (approximately 8,000 square feet) and a portion of the warehouse (approximately 7,000 square feet) at the back for its business operation. The remainder of the warehouse will be converted into an indoor sports facility with eight (8) courts in an area of approximately 65,000 square feet.

Planning staff took previous inquiries about locating indoor sports facilities within industrial zones or industrial planned unit developments to committee review by other City departments. During these committee reviews, Economic Development staff agreed that a sports facility could easily retrofit large, unused warehouse spaces and that filling vacant space with new tenants was an important consideration. However, it was equally important to maintain the essential character of the City's industrial areas and therefore, they asked to limit the number of conversions from warehouse to sports facility use in these areas.

DISCUSSION:

AMENDMENT:

An indoor sports facility is not a use that is mentioned in the M-P (Industrial Park) zone. The uses that are permitted in the M-P zone are varied and include warehousing, parcel delivery, manufacturing, auto/truck repair, blueprint/newspaper printing, kennels, glass studios, home improvement centers, etc. To allow an "Indoor Sports Facility" at 12552 Western Avenue requires approval of a Code Amendment to add the use to the M-P zone, subject to conditional use permit approval. The conditional use permit allows individual review of a proposal and tailors the conditions of approval to each unique site.

It is not the intention to fundamentally alter the allowable uses existing in the M-P zone; all current industrial, warehousing, and research & development uses will continue to be permitted. The amendment will allow a limited number of "indoor sports facility" uses to share space with the regular "industrial" uses. The "indoor sports facility" uses will not operate at the same time as regular business hours, rather operating after-hours on weekday evenings and on the weekends. Furthermore, such uses will be limited to properties facing and having access off of

major streets: the primary arterial, Chapman Avenue, and the secondary arterials of Western Avenue and Lampson Avenue for example. Arterial streets provide easier access for participants driving to an indoor sports facility and keep such drivers off the smaller streets largely used by industrial businesses.

Indoor sports facilities will be limited to a total of four sites within the M-P zone. The M-P zone is relatively small in area, being 160 acres (15%) of the total 11,461 acres within the City of Garden Grove. The M-P zoning is found on properties in two locations: the larger portion is north of Garden Grove Boulevard along Western Avenue and a small area that is a portion of a block bounded by Nutwood Street, Acacia Parkway, and Garden Grove Boulevard. The MAP Sports Facility is on a site that is approximately four (4) acres in size.

Because an "Indoor Sports Facility" operates differently than a regular "Athletic and Health Club, Gym", a new definition will be added to Title 9. The proposed Amendment to allow an "Indoor Sports Facility" in the M-P zone will include the new definition along with an addition to the Land Use Matrix, more detailed standards in Special Operating Conditions and Development Standards, and an addition to the parking matrix. The proposed Amendment consists of the following:

The definition of uses occurs in the first chapter of Title 9, Chapter 4. Section 90.04.060: Definitions, Subsection C.9 will be modified to include the following definition: **"Indoor Sports Facility"** means an indoor space used by teams to practice sports or engage in league/club play most often during weekday evenings and weekend days. Typical facilities include, but are not limited to, basketball courts, volleyball courts, badminton courts, and indoor soccer fields. Tournament play may be allowed based on the availability of parking. All parking is determined by a parking study."

Development standards for commercial, office professional, industrial, and open space zones are found in Chapter 16 of Title 9. The Land Use Matrix in Code Section 9.16.020.030: Uses Permitted will be modified to add the following:

USES	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Indoor Sports Facility	-	-	-	-	-	C*	C*		C*	

* Use shall be subject to special conditions for specific restrictions as listed in this Section.

Section 9.16.020.050: Special Operating Conditions and Development Standards shall be modified to add specific standards for an "Indoor Sports Facility". The new standards will be added after AG. Indoor, Multi-Tenant Retail Shopping Center and all subsequent uses requiring special operating conditions shall be re-lettered accordingly. The special conditions/standards to be added are:

AH. Indoor Sports Facility. Subject to the following requirements:

1. At no time shall an indoor sports facility impede the normal functions of the permitted uses in the zone in which it is located.

2. The number of Indoor Sports Facilities permitted in the M-P zone is limited to a total of four (4).
3. An indoor sports facility shall only be located on properties facing and having access on a primary or secondary arterial.
4. Required parking is determined by the Community Development Department through the review of a Parking Study prepared by a licensed traffic engineer.
5. The Parking Study shall take into account all aspects of the proposed operation. There can be significant differences in the number of parking spaces for instance between league play and tournament play. Among the variables to be considered are the different requirements for different leagues including the number of players on teams, number of officials, and team scheduling.
6. Proposed indoor sports facilities shall be reviewed based on their proposed operation and individual site. A complete description of the operation shall be submitted and shall include, but not be limited to, the type of sports, the name of the leagues and their requirements, all proposed tournaments or special sporting events proposed, an accounting of coaches and officials, and any accessory uses.

Section 9.16.040.150: Parking Spaces required (for commercial/industrial uses) shall be modified under Subsection F Commercial Recreation as follows:

9. Indoor Sports Facility	A Parking Study prepared by a licensed traffic engineer and reviewed by the Community Development Department shall determine the number of parking spaces.
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All subsequent listing of uses and their parking ratios shall be re-lettered accordingly.

Staff's review of the applicant's request finds that a limited number of indoor sports facilities would be appropriate in the M-P zone with the requirement that each individual proposal be processed under a Conditional Use Permit (CUP). The CUP process is a discretionary action that allows the City to review each proposal individually and place conditions on a proposed use to ensure it is compatible with the surrounding neighborhood. Staff has determined that the number of parking spaces for the variables in the operation of an indoor sports facility requires a parking study prepared by a licensed traffic engineer and this will be best reviewed as part of the Conditional Use permit process.

CONDITIONAL USE PERMIT:

Along with the proposed Code Amendment to allow indoor sports facility uses in the M-P zone subject to a Conditional Use Permit, the applicant has requested approval of a Conditional Use Permit for the operation of the MAP Sports Facility at 12552 Western Avenue. Staff has reviewed the site and the details of the business operation.

The MAP courts will service three (3) primary customer groups. The first group is the adult basketball and volleyball leagues that have difficulty finding available practice spaces. The second group is youth basketball/volleyball clubs that have seen increases in popularity over the last few years. The final group is the local high schools, whose teams are also struggling to find quality court space for everything from gymnastics to cheerleading. Two high schools are within close proximity, Pacifica High School and Rancho Alamitos. The partner, who is the owner of "Hoops Unlimited", Marty Walker, currently uses gyms throughout the local area for his league teams. He intends to move the core of his adult league operation to the facility at 12552 Western Avenue.

The site is a parcel that has been divided in two and separated by fencing to allow two businesses to operate independently of each other. The existing business on the southern portion of the site is a logistics company with semi-trucks parked on the site. This business has access from both a driveway on Western Avenue and one on Lampson Avenue.

The larger portion of the site on the corner is the location where MAP is proposing the indoor sports facility. MAP will share the site with the solar electricity company, PPG. MAP will use approximately 65,000 square feet of the building and PPG will use approximately 15,000 square feet. PPG will have exclusive use of the office (8,000 square feet) at the front of the site on Western Avenue. Customers picking up solar equipment will drive around the back, to a portion of the warehouse (7,000 square feet) that has two roll-up doors (east elevation). MAP will construct basketball/volleyball courts in the remainder of the warehouse space. Parking for the site is accessed from two driveways on Western Avenue.

MAP will operate during the evening, 6:00 p.m. to 10:00 p.m. Monday through Friday, and on weekends, 8:00 a.m. through 10:00 p.m. on Saturday and Sunday. The solar company, PPG, will have office hours between 8:30 a.m. and 5:30 p.m. Monday through Friday with the warehouse opening at 6:00 a.m. and closing at 4:30 p.m. Because the businesses are open at different times of the day, there will be no conflict with deliveries or loading of solar equipment and parking by the sports team members and MAP is able to use the entire site to meet its parking requirements.

Because an "indoor sports facility" is not an existing use, the required number of parking spaces must be determined. The applicant submitted a parking study done by K2 Traffic Engineering, Inc. Planning staff also took into account a second parking study done by RK Engineering Group for another proposed indoor sports facility that is currently being processed. Planning staff contacted the cities of Upland, Lake Forest, and Torrance, all of which have existing sports facilities. Two of the cities used or intended to implement a parking study to determine the appropriate number of parking spaces. A parking study allows individual review of a proposed business operation and the varied parking demands for different sports, different league requirements and for the addition of tournaments. One city calculated the parking for all the component uses separately such as office space, locker rooms, and restrooms, and then determined a set number of parking spaces per court.

For a proposed "indoor sports facility" the actual courts or fields vary from business to business and the choices of league or tournament play make a sizeable difference in parking. For these reasons, indoor sports facility uses are best suited to have the number of parking spaces determined by a Parking Study prepared by a licensed traffic engineer and reviewed under the conditional use permit process.

The parking study done by K2 Traffic Engineering for the Map Sports Facility reviewed a similar use, the American Sports Complex, in Anaheim. The Anaheim sports facility is considerably larger with 150,000 square feet of floor area and capacity to accommodate 22 volleyball courts, 16 basketball courts, and 9 indoor soccer fields. Based on observations, the traffic engineer proposed a recommended parking ratio equivalent to 2.2 spaces per 1,000 square feet for basketball use, or 1.4 spaces per 1,000 square feet square feet for volleyball use. This ratio is based on peak demand and a factor of 10% increase for any variables.

The second parking study done by RK Engineering observed three (3) indoor sports facilities and found the calculated parking rate of spaces per 1,000 square feet were 2.14, 2.82 and 1.62. If the ratio from the American Sports Complex in Anaheim is included (2.25 spaces per 1,000 square feet), the average parking rate would be 2.2075. If the 10% factor is included for any variables, the average parking rate is 2.43 per 1,000 square feet. For the subject location, a total number of 156 parking spaces are needed to meet that rate.

Eight (8) basketball/volleyball courts with 156 parking spaces means approximately 20 spaces per court. Planning staff asked Community Services to provide information about parking for league play as they have experience with City programs. Community Services staff stated that 20 players and therefore, 20 cars per court for basketball was a conservative estimate. The applicant is proposing 170 parking spaces on the site.

To minimize any potential parking issues, the conditions of approval require the applicant to adhere to scheduling a 30-minute interval between league games on any given court. A minimum of 30 minutes between games, allows team members time to leave the facility before the next teams arrive and therefore not double the parking demand. For the future, a condition of approval has been included that in the event parking problems do arise, the applicant will be responsible for a solution such as adjusting the facility's scheduling or obtaining off-site parking at a neighboring location.

Initially, MAP proposed that the main entrance to the sports facility would be at the rear of the building, on the east elevation where an existing door is at grade. The other doors to the main warehouse space are elevated above grade on the south elevation as this whole side of the building is raised for a series of elevated loading bays. There are two emergency exit doors that open onto the landscape setback along Lampson Avenue to the north. Working with Planning and Building staff, the applicant has agreed to a main entrance at the front of the warehouse space, facing

Western Avenue, which will provide wheelchair access between the sidewalk and the facility.

The applicant proposes to construct an additional driveway onto Lampson Avenue. A driveway on Lampson Avenue will improve the overall circulation on the site and particularly to the parking areas on the east side of the building.

The Conditional Use Permit process will ensure that each application for a proposed "Indoor Sports Facility" use within the M-P zone is reviewed and conditioned to comply with all City code requirements. Staff finds that the proposed use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The Community Development Department has reviewed the request and is supporting the proposal. Community Services had a meeting with the MAP Sports Facility business partners and is supportive of the project.

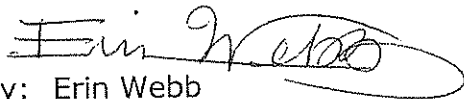
RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Recommend City Council adoption of the Negative Declaration and approval of Code Amendment No. A-162-11; and
2. Adopt the Negative Declaration and approve Conditional Use Permit No. CUP-339-11 subject to the conditions of approval and City Council approval of Code Amendment No. A-162-11



Karl Hill
Planning Services Manager

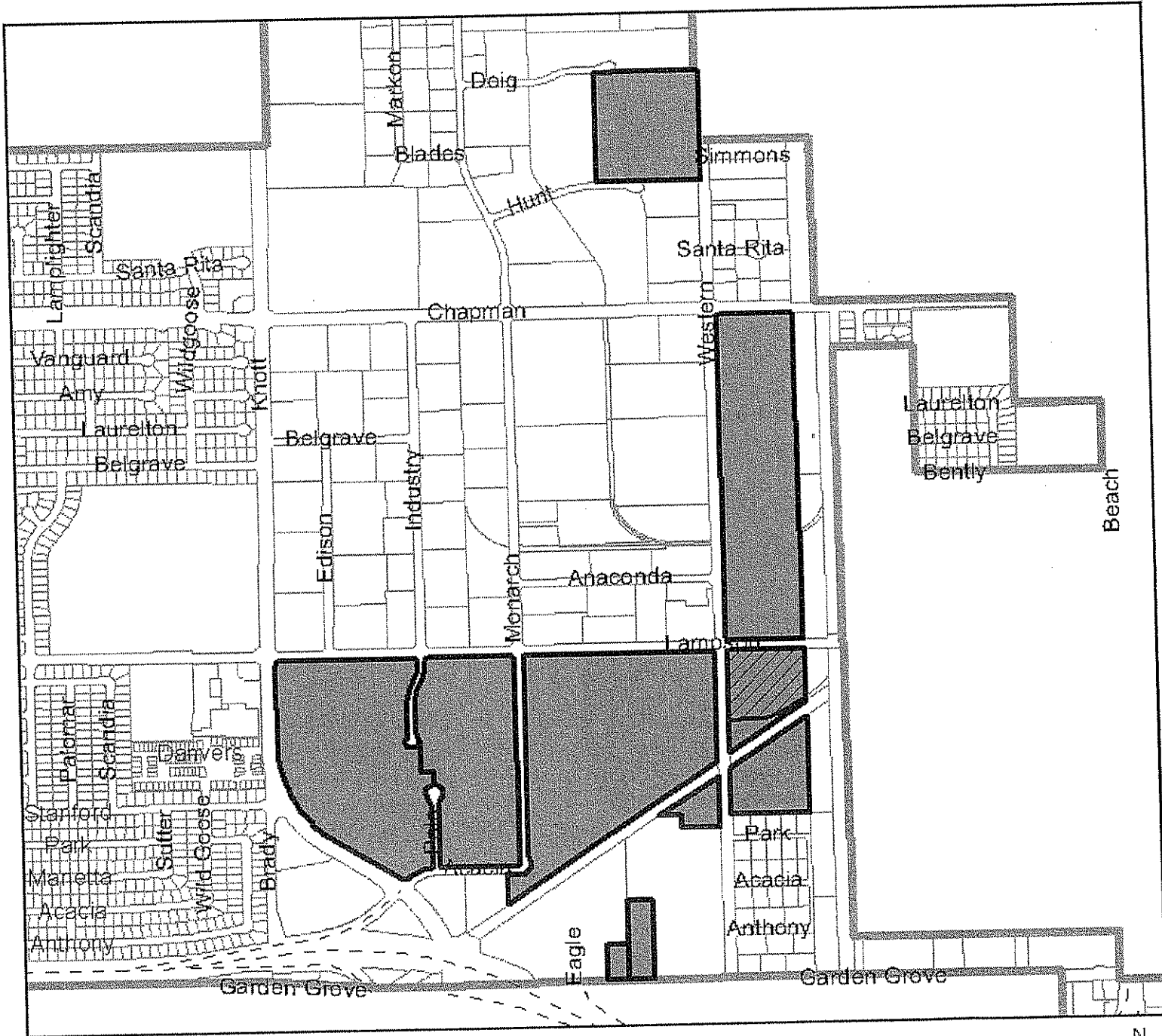


By: Erin Webb
Senior Planner





GARDEN GROVE

AMENDMENT NO. A-162-11



LEGEND

-  PROJECT SITE - 12552 WESTERN AVENUE
-  M-P (INDUSTRIAL PARK) ZONED PROPERTIES

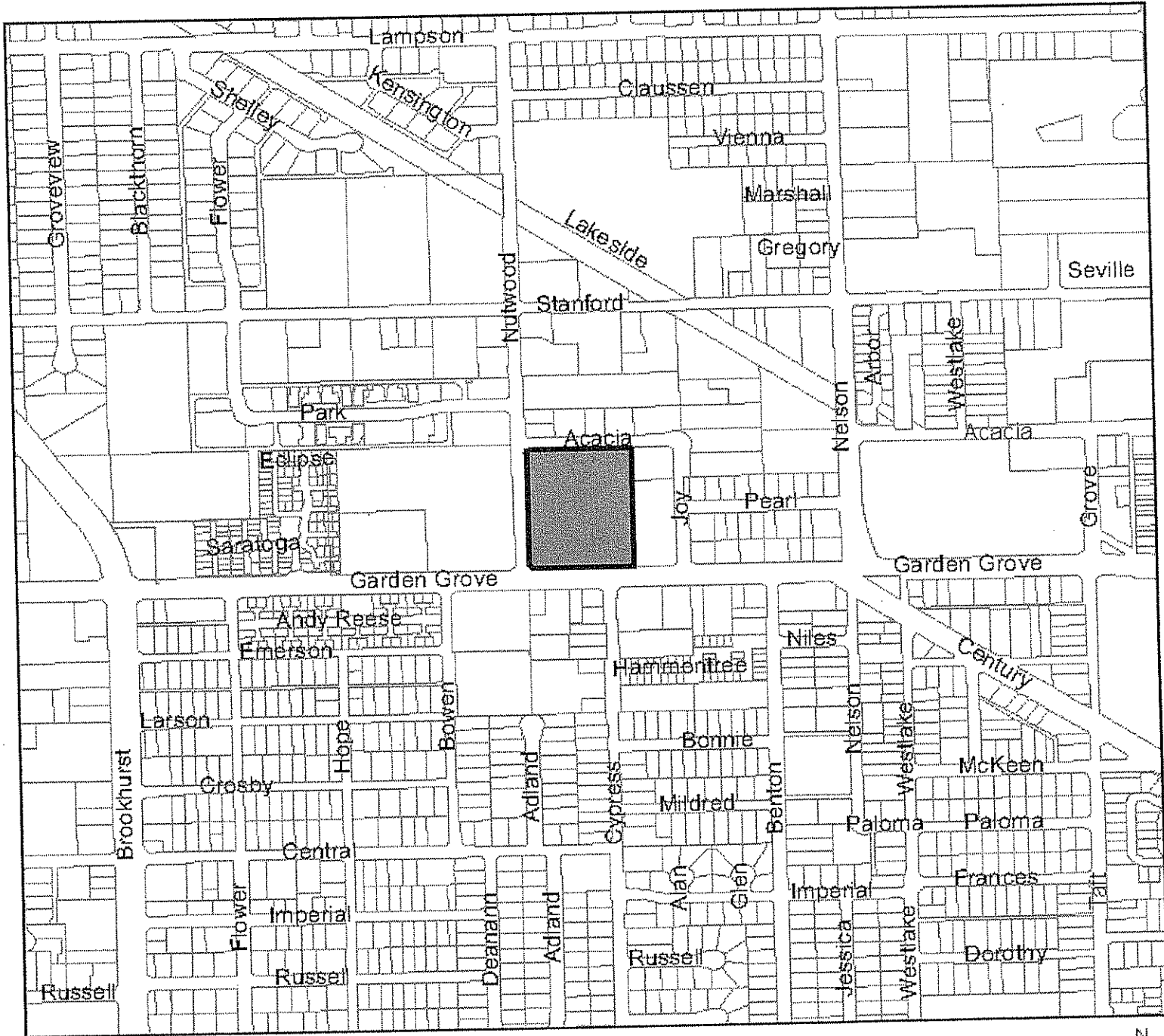
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OCTOBER 2011

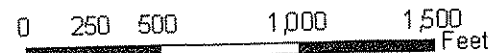


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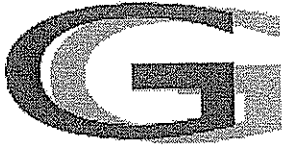


LEGEND

 M-P (INDUSTRIAL PARK) ZONED PROPERTIES

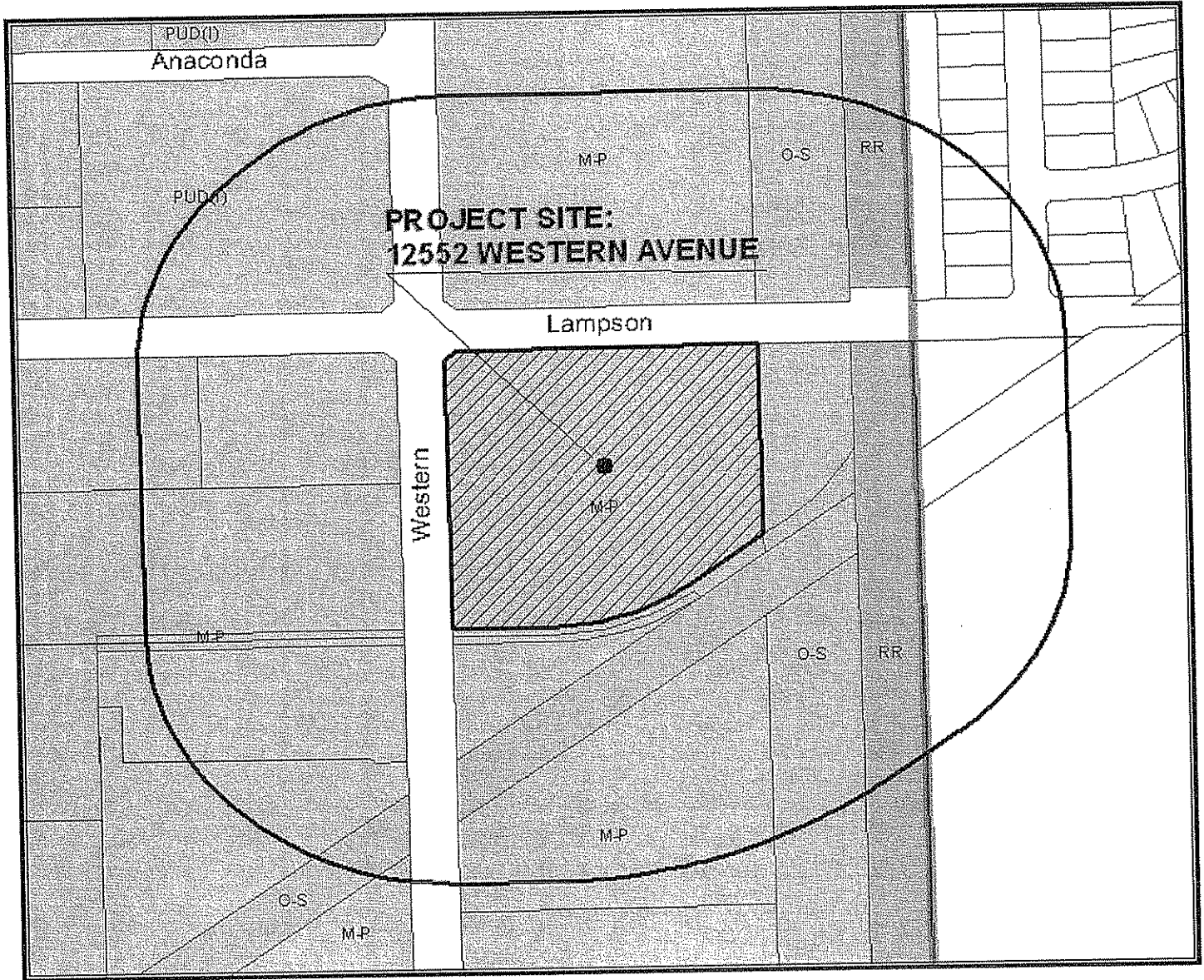


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GARDEN GROVE

CONDITIONAL USE PERMIT NO. CUP-339-11



LEGEND

 PROJECT SITE - 12552 WESTERN AVENUE

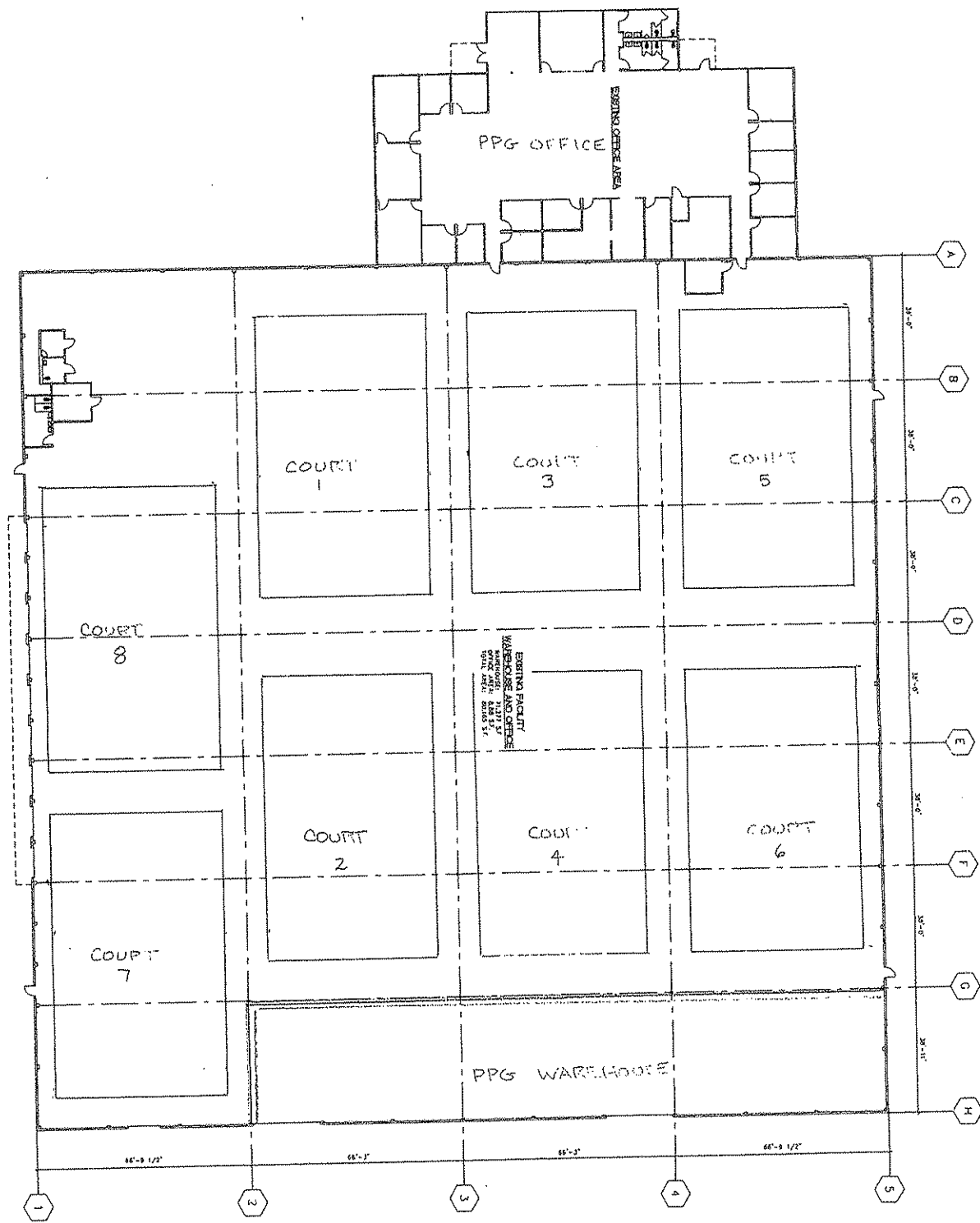
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NOTES

1. GENERAL PLAN: INDUSTRIAL ZONE
2. ZONE: M-P (INDUSTRIAL PARK)



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 OCTOBER 2011



DRAWN BY: [Redacted]
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SHEET TITLE:
 EXISTING OVERALL
 FLOOR PLAN

MAP SPORTS FACILITY
 SITE AND BUILDING PLANS FOR:
12552 WESTERN AVENUE

12552 WESTERN AVENUE
 GARDEN GROVE, CA 92641

ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:**

The MAP Sports Facility at 12552 Western Avenue

2. **LEAD AGENCY:**

City of Garden Grove
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92840

3. **CONTACT PERSON:**

Erin Webb, Senior Planner, City of Garden Grove

4. **PROJECT LOCATION:** The southeast corner of the intersection of Western Avenue and Lampson Avenue at 12552 Western Avenue, Assessor's Parcel Number: 251-032-01 in the City of Garden Grove.

5. **PROJECT SPONSOR:**

Alden Management Group, Andrew Zimbaldi
150 Paularino Avenue, Suite 194
Costa Mesa, CA 92626-3302

6. **ENVIRONMENTAL SETTING:**

The project site is approximately six (6) acres in size and is divided in two, with a large, approximately four (4) acre site at the corner, and a smaller approximately two (2) acre site wrapping around the south and east sides of the larger portion. A fence divides the two parts of the lot and both have an existing building with large parking and loading areas. The proposed indoor sports facility will occupy the building on the larger, corner portion of the overall parcel. The existing building is approximately 80,000 square feet with a front office connected to a large warehouse space. A solar electrical company, Progressive Power Group, will use the front office (approximately 8,000 square feet) and a portion of the warehouse (approximately 7,000 square feet). The remainder of the warehouse will be converted into an indoor sports facility with eight (8) basketball/volleyball courts in an area of approximately 65,000 square feet. The existing parking area will be restriped to increase the number of parking spaces and a new curb-cut will allow access onto Lampson Avenue. The only construction is tenant improvements to the existing warehouse

To allow the conversion of the warehouse to an indoor sports facility requires a Code Amendment to add the use to the M-P (Industrial Park) zone subject to conditional use permit approval. The parcel's General Plan Land Use Designation of Industrial will remain the same.

The project site is on a corner within an industrial area with industrial uses to the west across Western Avenue, and on abutting properties to the south and the east. To the north, across Lampson Avenue, is a vehicle storage yard.

7. GENERAL PLAN DESIGNATION:

Industrial

8. ZONING:

M-P (Industrial Park) zone.

9. DESCRIPTION OF PROJECT:

A request to amend Title 9 of the City of Garden Grove Municipal Code to allow Indoor Sports Facility uses in the M-P, Industrial Park, zone in conjunction with a conditional use permit approval for the new use. The applicant proposes to use 65,000 square feet of an existing 80,000 square foot warehouse building as a sports facility with eight (8) basketball/volleyball courts. Progressive Power Group, Inc. (PPG), a solar installation company, will use the remaining 15,000 square feet of building for its business operation.

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

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/Planning	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Public Services/Service Systems
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Recreation	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Greenhouse Gas Emissions
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Mandatory Findings of Significance	<input type="checkbox"/> Agricultural and Forestry Resources

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.
- I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the

earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

Date 10/21/11

Erin Webb
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 the whole of the 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. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where 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 "Earlier Analysis," as described in (5) below, 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). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such efforts were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigating measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is elected.
9. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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I. AESTHETICS*

Would the project:

- a. Have a substantial adverse effect on a scenic vista?
- b. Substantially damage scenic resources, including but not limited to trees, rock, outcroppings, and historic buildings within a state scenic highway?

Response (a-b): The project site is not located adjacent to any officially designated scenic vistas or highways. The project site is located in an industrial area of Garden Grove that is characterized by typical large warehouse buildings, trucking operations, and multi-tenant buildings used for light manufacturing and research and development businesses. The applicant proposes to retrofit an existing warehouse for an indoor sports facility with mainly interior improvements. The site and building will remain unchanged aesthetically.

- c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Response: The property will continue to be used for a warehousing/construction business during business hours. To accommodate the proposed indoor sports facility, the only visual change will be a new door into the warehouse and low ramps to doors and emergency exits. The proposed changes are so minor that there will be no degradation of the existing visual character or quality of the existing building, the existing site, and the surroundings.

- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Response: The project site is located in an industrial area where illumination is provided by building and pole-mounted lighting both on the site and in the immediate vicinity of the project site. The project will require some minor additions to the lighting for the pedestrian entrances and parking areas to the sports facility. The new lighting will not be of an illumination to create substantial light or glare in the area and is required to adhere to all Municipal Code requirements for maximum light levels.

II. AGRICULTURE AND FOREST RESOURCES*

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of California Resources Agency, to non-agricultural use?

- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as Defined by Government Code Section 51104(g))?
- d. Result in the loss of forest land or conversion of forest land to non-forest use?
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Response (a-e): According to the California Department of Conservation Farmland Mapping and Monitoring Program, the site has not been mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project is not zoned for farmland or forestland and is not located within an area that is used or zoned for farming or forest uses. The project is not subject to a Williamson Act contract, and thus will not conflict with a Williamson Act contract, as the properties are not zoned or used for agricultural purposes.

The project is located in an urbanized area that is developed for industrial uses. The property is located in the M-P (Industrial Park) zone and has a General Plan Land Use designation of Industrial. The zoning and General Plan designation will remain the same. The only change to the code will be to add the use of "indoor sports facility" to the M-P zone subject to the approval of a conditional use permit. The code amendment will allow a limited number of conversions of warehouse buildings to sports facilities in the M-P zone. The project does not propose a change of zoning that would conflict with or convert existing forest or timberland zoning.

There are no forestlands within this area, therefore, no loss of forestland or conversion of forest land to non-forest use will occur.

The project site is not located in close proximity to forestland or farmland designated by the California Department of Conservation. Therefore, the project does not involve other changes that, due to their location or nature, would result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use.

III. AIR QUALITY*

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response (a-d): The project will not conflict with adopted air quality plan. The project site is located within the South Coast Air Quality Management District (SCAQMD). SCAQMD has adopted both regional and localized air quality significance thresholds. A project's air quality impacts can be separated into short-term impacts from construction, and long-term permanent impacts from project operations. The proposed change of use from an existing warehouse building to an indoor sports facility will require only minor construction of interior tenant improvements. As a result, the project will not generate short-term impacts. While the project's operation could contribute some additional vehicle trips traveling in and out of the project site, those emissions are nominal.

e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response: No objectionable odors would be created by the proposed use that will retrofit an existing building with basketball/volleyball courts for adult/youth league play. Temporary odors may occur during the construction of limited tenant improvements based on the construction material used, such as paint, coatings, and solvents. Most of the construction will be indoors and the limited emissions will dissipate rapidly.

IV. BIOLOGICAL RESOURCES*

Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | Potentially Significant Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
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| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-f): The project is located within a highly urbanized area that is improved with industrial buildings and is devoid of native vegetation. There are no identified species or habitats on the site. The project site is improved with a large building, paved parking and loading areas, and landscaped setbacks along the Western Avenue and Lampson Avenue frontages. The proposed new use within the existing building will not alter the site significantly. Endangered species are not expected to occur in the area due to the lack of suitable habitat and heavy disturbance of the existing environment.

The project site does not contain any standing surface water. Therefore, there would be no potential impact on riparian habitats or other sensitive riparian natural communities. Additionally, there would not be any potential impacts on federally protected wetlands, marsh, or vernal pools.

The project does not conflict with any local policies or ordinances protecting biological resources.

V. CULTURAL RESOURCES*

Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-d): The site is located in an urbanized area, and is currently developed with an 80,000 square foot building and paved parking and loading areas. There will be no new construction and therefore, the proposal will not affect any archeological

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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site, paleontological resource, geologic feature, or human remains. According to the General Plan EIR, no significant historical, archeological, paleontological, or geological resources were identified within the M-P (Industrial Park) zone. If unanticipated archeological resources, paleontological resources, or human remains are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with California Health & Safety Code § 7050.5 and Public Resources Code § 20183.2. No cultural resources impacts are anticipated.

VI. GEOLOGY AND SOILS*

Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslide? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (i-iv): According to the General Plan EIR, the nearest major active fault along which a rupture or a major seismic event could occur is the Newport-Inglewood Fault. This fault is located just west of Dana Point Harbor and continues north through Newport Beach into south Los Angeles County. The seismic parameters of the site are similar to those of other areas in Orange County during the maximum credible event along the Newport-Inglewood Fault Zone that is estimated to be of 7.5 magnitude. No fault rupture is expected in the immediate vicinity of the project. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the possibly saturated nature of the sandy soils in the area. The project site is not located within an area of high or moderate dynamic settlement potential per the Safety Element of the General Plan 2030.

Some exposure to seismic-related hazards, therefore, is expected. All construction, however, shall comply with applicable building codes including, but not limited to, the California Building Code, Fire Code, and other related City requirements. In general, seismic issues are common for most of South California, and adherence to project design features, the California Building Code, Fire Code, and City requirements would ensure that the impacts due to seismic ground shaking or failure would be less than significant. As a result, the risk of loss, injury, or death involving seismic rupture or shaking would be considered less than significant and no mitigation measures would be necessary.

Additionally, the project area is relatively flat and therefore would not normally be subject to landslides or mudslides. There will be no new construction on the site and

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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the tenant improvement to the interior of the existing building will not involve excavations. No impacts are anticipated.

- b. Result in substantial soil erosion or the loss of topsoil?
- Response:** The proposal is to allow a new use in an industrial area of the City. This part of the City is developed with industrial/commercial buildings, large areas of impermeable surfaces for parking and loading and limited landscape setbacks along street frontages. Given that the area is fully developed with industrial/commercial buildings and parking/loading areas there will be no soil erosion or loss of top soil.

- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building code (1994), creating substantial risks of life or property?

Response (c-d): The site is not located on an identified landslide hazard area where local topographical, geological, geotechnical and subsurface conditions signify landslide potential. Vertical displacement 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. There will be no new construction on the site and therefore, none of these or any other conditions typically contributing to subsidence, are expected on the project site.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Response: The subject site and the proposed new "indoor sports facility" uses in the M-P zone will be served by the City's sewers system and therefore no alternative wastewater disposal system is needed to support the project. No impacts are anticipated.

VII. GREEN HOUSE GAS EMISSIONS*

Would the project:

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Response (a-b): Given the complexity of the overall interactions between various global and regional scale emissions, it is very unlikely that any individual project would have Green House Gas (GHG) emissions of a magnitude sufficient to directly or significantly impact global climate change. Even a very large project does not

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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generate enough greenhouse gases to significantly influence global climate change. Global climate change impacts, therefore, must be evaluated cumulatively. In California, AB 32 and SB 375, will address GHGs on a statewide, cumulative basis. Since the adoption of AB 32 and SB 375, however, there has been little regulatory guidance regarding the quantification of potential GHG impacts. Instead, the CEQA Guidelines specify that a lead agency may, in its discretion, rely on a quantitative or qualitative analysis for these purposes.

Generally, GHG emissions are generated during the construction and/or operational phases of any given project. Here, the proposed project does not call for any construction activities. As a result, the proposed project will not generate any temporary GHG emissions that would otherwise occur during construction. While the project's operational component could contribute some additional GHG emissions above those emissions in the existing environmental setting, those emissions are nominal. Because the net increase in GHG emissions associated with the project would be negligible, the project would not cumulatively contribute to GHG emissions impacts. The proposed project would not have the potential to interfere with implementation of AB 32's GHG reduction targets.

VIII. HAZARDS AND HAZARDOUS MATERIALS*

- Would the project:
- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
 - b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
 - c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Response (a-c): The proposed "indoor sports facility" use does not include in its operation, the routine transport, use, or disposal of hazardous materials. Some incidental hazardous materials, including paints, solvents, and other materials, may be stored on-site and utilized in daily operations or maintenance of the property. All proposed use of such materials must comply with applicable federal, state, and local regulations pertaining to the transport, storage, use and/or disposal of hazardous materials on the site. There will be no health hazards or potential for health hazards created by the proposed use being added to the M-P zone. Each proposed "indoor sports facility" would be processed and approved by a conditional use permit. Under the conditional use permit process the compatibility between an industrial business and a sports facility sharing the property will be reviewed.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

Response: The project is not located on a site that has been included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Since the site is not located on a hazardous materials site, no impact is anticipated.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Response (e-f): The project site is not located within an airport land use plan, within two-miles of a public airport or public use airport, or within the vicinity of private airstrip. Therefore, the project would not result in a safety hazard for people residing or working in the project area. No impacts are anticipated.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Response: The proposed use in the M-P zone would be within an existing building, provide adequate parking, and be accessed by the existing street infrastructure. The use is consistent with the development in the zone and surrounding area and would not create any physical interference that would impair implementation of an adopted emergency response or evacuation plan.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Response: The project is within a highly urbanized area and is not located adjacent to any wildlands or an area where residences are intermixed with wildlands. Therefore, based on the location of the project, no exposure of people or structures to a risk of loss, injury, or death involving a wildfire is anticipated.

IX. HYDROLOGY AND WATER QUALITY*

Would the project:

a. Violate any 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 that would not support existing land uses or planned uses for which permits have been granted?)

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?

- | | Potentially Significant Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 run-off? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-f):

The project site is located within an urbanized area with existing industrial and commercial uses. Both the site and the surrounding industrial area are largely covered with impermeable surfaces. The proposed "indoor sports facility" will be within an existing building and will not alter the existing site. The new use will not affect aquifers' recharge capability or alter the direction of groundwater flow beyond existing conditions. Project construction will be limited to tenant improvement work and will require no excavation or other related below-grade work, nor use of large quantities of water.

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. The City and County NPDES programs are in place to regulate the transport of these waters with other urban run-off into City and County drainage facilities.

There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as of the land is presently developed.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (g-i): The project area is located within the Regular Flood Hazard Zone "X", as determined by the Federal Emergency Management Agency Flood Insurance Rate Map No. 06059C0141J (Community No. 060220, Panel No. 0119J), issued on December 3, 2009. Flood Zone "X" includes areas of 500-year flood; with average depths of less than one foot, or with drainage areas less than one square mile; and areas protected by levees from 100-year floods. Flood Zone "X" is not subject to the Flood Hazard Overlay Zone.

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| j. Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
- Response:** Seiches, tsunamis, and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, absence of large bodies of water, or hilly or mountainous areas that potentially could cause mudflows.

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

Would the project:

- a. Physically divide an established community?

Response: The typical operation of the proposed use of "indoor sports facility" in the M-P Zone will not physically divide an established community. Typical operations will be similar to that proposed by the MAP Sports Facility at 12552 Western Avenue. MAP will share an industrial site with a permitted solar installation business and will operate after regular business hours during weekday evenings and on weekends. The site and surrounding area will continue to operate as an industrial area and the existing businesses will not be divided.

- b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Response: Large warehouse buildings are the right size to accommodate a facility that includes indoor courts. The volume and height of existing warehouse spaces can accommodate a multi-court practice facility. The M-P, Industrial Park, zone permits a varied mix of industrial and commercial uses. An "indoor sports facility" that shares space with permitted industrial uses will be consistent with the M-P zoning of the property. The industrial area will continue to operate with the current industrial, warehousing, and research & development uses with a limited number of "indoor sports facility" uses operating after hours on weekday evenings and on the weekends. The proposed "indoor sports facility" will not conflict with the M-P zoning or the General Plan Land Use Designation of Industrial. The proposal will be consistent with the goals of the General Plan Industrial designation which . As set forth in this initial study, the project does not conflict with any other applicable land use plan, policy, or regulation adopted by an agency with jurisdiction over the project.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

Response: The proposed project is located within a highly urbanized area of Orange County and is in conformance with applicable federal, state and City of Garden Grove environmental requirements and plans. The proposed use will be in a developed industrial area that is not subject to any habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES*

Would the project:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Response (a-b): The proposed use will be added to a zone in the City that is not known to have mineral resources as identified in the City's General Plan.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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XII. NOISE*

Would the project result in:

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| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-d): There are no physical changes on the project site that would likely increase noise levels beyond those existing. The indoor sports facility use will occur within an existing building and therefore limit any potential increase in noise.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (e-f): The project site is not located within an airport land use plan, within two-miles of a public airport or public use airport, or within the vicinity of private airstrip. No impacts are anticipated.

XIII. POPULATION AND HOUSING*

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

XIV. PUBLIC SERVICES*

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Response: The City of Garden Grove Fire Department provides emergency response service to the project area. The project is not likely to induce significant growth and will not result in a substantial new demand for fire protection services.

Police protection?

Response: The Garden Grove Police Department provides police protection in the area. The project is not likely to induce growth beyond that planned for the site and will not result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly affect police protection.

Schools?

Response: The proposed code amendment to add a new "indoor sports facility" use to the M-P zone, will not increase the number of housing units and therefore, the number of children will not increase within the Garden Grove Unified School District. No impact to area schools is anticipated.

Parks?

Response: The proposed code amendment is for a new use in the M-P zone; an area developed with industrial/commercial buildings. The M-P zone is not an area that has developed parks or is designated for parkland. The use of an existing warehouse for an "indoor sports facility" will not require the creation of additional parkland.

Other public facilities?

Response: It is not likely that the project will increase demands on other governmental services.

XV. RECREATION*

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that the substantial physical deterioration of the facility would occur or be accelerated?

Response: By allowing "indoor sports facility" uses in the M-P zone, there will be more private recreational facilities in the City. An indoor sports facility provides basketball/volleyball courts and soccer fields for league play. The addition of indoor

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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sports facilities will decrease demand on existing public facilities for the same sports amenities.

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Response: The proposal is to allow indoor sports facility uses in existing warehouse buildings. The construction will be limited to tenant improvement within existing buildings with no appreciable changes to the site, therefore the code amendment will not create adverse physical effect on the environment.

XVI. TRANSPORTATION*

Would the project:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit, and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Response (a-d): The proposed change to the M-P zone, to allow a limited number of indoor sports facilities, is not likely to increase vehicle trips and traffic congestion in the area. The indoor sports facilities are intended to provide adult and youth leagues places to play. League play is scheduled for the participants after regular working or school hours and on the weekends. Most of the businesses in the M-P zone have regular business hours that do not extend into the evening hours and weekends. The City's Traffic Engineering staff has reviewed the proposal and has determined that due to the size of the proposed sports facilities no traffic study is required. The "indoor sports facility" use will be limited to locations on either a primary or secondary arterial within the M-P zone. These locations will provide direct, easy access to drivers coming into the area and limit traffic on the smaller streets. Most of the construction for the "indoor sports facility" uses will be tenant improvements in existing buildings but if there is construction in the public right-of-way the applicant will be required to submit a traffic safety plan to minimize traffic congestion.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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e. Result in inadequate emergency access?

Response: A new use within the established development and infrastructure of the M-P zone will not alter the emergency access.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Response: A new use added to the M-P zone that will share space with existing industrial/commercial development and rely on existing street infrastructure will not conflict with modes of alternative transportation nor decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS*

Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Response: As explained above, the project is required to implement the requirements of the Regional Water Quality Control Board.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Response: See (e) below.

c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Response: The code amendment is to add a use to a highly urbanized area where storm water drainage facilities are in place and adequate to meet the needs for the area.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Response: A new "indoor sports facility" use will be approved through the conditional use permit process. The specific project details for any additional fixtures in a proposed remodel and the water sufficiency will be reviewed by Public Works through the conditional use permit.

e. Result in determination by the wastewater treatment provider, which serves or may service the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Response (b, e): The Public Works, Water Services Division, has reviewed the first request for an "indoor sports facility" in the M-P zone and has determined that the area is not located in a sewer deficient area. The existing sewer system is sufficient to accommodate the tenant improvements required to construct a sports facility in an existing industrial warehouse.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g. Comply with federal, state, and local statutes and regulations related to solid waste?

Response (f-g): The Garden Grove Sanitary District administers solid waste disposal services in the City of Garden Grove. Collection services are provided via a contract with a private trash collection contractor. Each "indoor sports facility" use will be responsible through the Conditional Use Permit process for coordinating with the Garden Grove Sanitary District and their contractor for specific matters such as trash pick-up times, number and types of trash receptacles, and the locations of such trash receptacles.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project 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?
- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

XIX. 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 Conditions Report.
3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 2008041079, August 2008.
4. Title 9 of the Garden Grove Municipal Code.

5. The City of Garden Grove Sanitary District Sewer Deficiency Analysis and Sewer Improvement Master Plan.

b. **IMPACTS ADEQUATELY ADDRESSED:**

1. Geology & Soils
2. Green House Gas Emissions

c. **MITIGATION MEASURES:**

The project is consistent with the analysis that was done within The City of Garden Grove Final Environmental Impact Report for the General Plan 2030 Update State Clearinghouse No. 2008041079. Each "indoor sports facility" use will be required to meet the Special Operating Conditions and Development Standards for such a use in Title 9 and be approved under a conditional use permit. All conditions of approval shall be adhered to, in order to mitigate any negative impacts on the property or surrounding area. The proposed "indoor sports facility" at 12552 Western Avenue shall adhere to the conditions of approval for Conditional Use Permit No. CUP-339-11 and therefore, mitigate any negative impacts on the property or surrounding area.

RESOLUTION NO. 5749-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE AMENDMENT NO. A-162-11, A CODE AMENDMENT TO ALLOW "INDOOR SPORTS FACILITY" USES IN THE M-P (INDUSTRIAL PARK) ZONE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 3, 2011, does hereby recommend adoption of the Negative Declaration and approval of Amendment No. A-162-11, to amend Title 9 of the City of Garden Grove Municipal Code to allow Indoor Sports Facility uses in the M-P Zone subject to approval of a Conditional Use Permit, to City Council. The M-P zoning is found on properties in two locations: the larger portion is north of Garden Grove along Western Avenue and a small area that is a portion of a block bounded by Nutwood Street, Acacia Parkway, and Garden Grove Boulevard.

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 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. Therefore, the Planning Commission recommends that the City Council adopt a Negative Declaration for this project.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-162-11, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Alden Management Group and MAP Sports Facility.
2. The proposed Code Amendment is to change the Title 9 Municipal Code by adding a use, "indoor sports facility" to the M-P (Industrial Park) zone subject to Conditional Use Permit approval.
3. The project areas where the new "indoor sports facility" use will be added have a General Plan Land Use designation of Industrial and are zoned M-P (Industrial Park). These areas are highly urbanized with industrial/commercial development and mostly paved sites for parking and loading.
4. The Community Development Department has prepared a Negative Declaration for the project, that (a) concludes that the proposed project can not, or will not have a significant adverse effect on the environment, (b) 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, Title 14, California Code of Regulations Section 15000 et. seq.; and

5. Existing land use, zoning, and General Plan Land Use designation of the areas included in this Code Amendment and in their vicinity have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 3, 2011, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of November 3, 2011; and

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

FACTS:

The M-P zone is relatively small in area being 160 acres (15%) of the total 11,461 acres in the City of Garden Grove. The M-P zoning is found on properties in two locations: the larger portion is north of Garden Grove Boulevard along Western Avenue, and a small area that is a portion of a block bounded by Nutwood Street, Acacia Parkway, and Garden Grove Boulevard.

The M-P zone will stay fundamentally the same with no change to the allowable uses. The amendment would allow a limited number of "indoor sports facility" uses to share space with the regular "industrial" uses.

The M-P (Industrial Park) zone currently does not list "indoor sports facility" as an allowable use subject to the approval of a conditional use permit.

The applicant is proposing, in conjunction with this Code Amendment, a request to operate an indoor sports facility, MAP Sports Facility, at 12552 Western Avenue (Conditional Use Permit No. CUP-339-11). The Map Sports Facility is on a site that is approximately four (4) acres in size.

FINDINGS AND REASONS:

1. The Amendment is internally consistent with the goals, policies, and elements of the General Plan, which encourages compatibility between land uses. The requirement that "indoor sports facility" uses be subject to a Conditional Use

Permit will ensure that there is a reasonable degree of compatibility between the proposed use and surrounding properties.

2. The "Indoor Sports Facility" use will not disrupt the operation of the surrounding industrial uses. Individual proposals for an indoor sports facility will be reviewed through a conditional use permit. The conditional use permit process allows for review of a business' operation plan and tailors the conditions of approval to each unique site. Adherence to the conditions of approval will ensure 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 Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment). The Planning Commission recommends approval of Amendment No. A-162-11 as follows:

The proposed Amendment would consist of the following:

1. The definition of uses occurs in the first chapter of Title 9, Chapter 4. Section 90.04.060: Definitions, Subsection C.9 will be modified to include the following definition: **"Indoor Sports Facility"** means an indoor space used by teams to practice sports or engage in league/club play most often during weekday evenings and weekend days. Typical facilities include but are not limited to basketball courts, volleyball courts, badminton courts, and indoor soccer fields. Tournament play may be allowed based on the availability of parking. All parking is determined by a parking study."
2. Development standards for commercial, office professional, industrial, and open space zones are found in Chapter 16 of Title 9. The Land Use Matrix in Code Section 9.16.020.030: Uses Permitted will be modified to add the following:

USES	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Indoor Sports Facility	-	-	-	-	-	-	-	-	C*	-

* Use shall be subject to special conditions for specific restrictions as listed in this Section.

3. Section 9.16.020.050: Special Operating Conditions and Development Standards shall be modified to add specific standards for an "Indoor Sports Facility". The new

standards will be added after AG. Indoor, Multi-Tenant Retail Shopping Center and all subsequent uses requiring special operating conditions shall be re-lettered accordingly. The special conditions/standards to be added are:

AH. Indoor Sports Facility. Subject to the following requirements:

1. At no time shall an indoor sports facility impede the normal functions of the permitted uses in the zone in which it is located.
2. The number of Indoor Sports Facilities permitted in the M-P zone is limited to a total of four (4).
3. An "Indoor Sports Facility" use shall only be located on properties facing and having access on a primary or secondary arterial.
4. Required parking is determined by the Community Development Department through the review of a Parking Study prepared by a licensed traffic engineer.
5. The Parking Study shall take into account all aspects of the proposed operation. The operation of "indoor sports facility" uses can have significant differences in the number of parking spaces based on the type of play, whether league or tournament. Among the variables to be considered are the different requirements for different leagues including the number of players on teams, number of officials, and the scheduling requirements.
6. Proposed indoor sports facilities shall be reviewed based on their proposed operation and individual site. A complete description of the operation shall be submitted and shall include, but not be limited to, the type of sports, the name of the leagues and their requirements, all proposed tournaments or special sporting events proposed, an accounting of coaches and officials, and any accessory uses.

4. Section 9.16.040.150: Parking Spaces required (for commercial/industrial uses) shall be modified under Subsection F Commercial Recreation as follows:

9. Indoor Sports Facility	A Parking Study prepared by a licensed traffic engineer and reviewed by the Community Development Department shall determine the number of parking spaces.
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All subsequent listing of uses and their parking ratios shall be re-lettered accordingly.

ADOPTED this 3rd day of November, 2011

/s/ JENNIFER CABRAL
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 November 3, 2011, by the following votes:

AYES:	COMMISSIONERS:	BRIETIGAM, CABRAL, DOVINH, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUI, LAZENBY

/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 November 28, 2011.

RESOLUTION NO. 5750-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING CONDITIONAL USE PERMIT NO. CUP-339-11.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 3, 2011, adopted the Negative Declaration and approved Conditional Use Permit No. CUP-339-11 for the property located on the southeast corner of Western Avenue and Lampson Avenue, at 12552 Western Avenue, Parcel No. 251-032-01.

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 the 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 the 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. Therefore, the Planning Commission adopts a Negative Declaration for this project.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-339-11, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Alden Management Group and the MAP Sports Facility business owners.
2. The applicant requested a Code Amendment to allow an "indoor sport facility" use in the M-P (Industrial Park) zone subject to Conditional Use Permit approval and is requesting approval of a Conditional Use Permit No. CUP-339-11 for the MAP Sports Facility at 12552 Western Avenue.
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed addition of "indoor sports facility" uses to the M-P zone cannot, 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, Title 14 California Code of Regulations Section 15000 et. seq.
4. The property at 12552 Western Avenue has a General Plan Designation of Industrial and is within the M-P (Industrial Park) zone. The site consists of a single parcel of approximately six (6) acres that is divided into two parts. The proposed indoor sports facility will be located on the larger, corner portion of

the lot on a site that is approximately four (4) acres and will occupy approximately 65,000 square feet of existing warehouse building. The surrounding area is highly urbanized with industrial/commercial development and mostly paved sites for parking and loading.

5. Existing land use, zoning, and General Plan Land Use designation of the areas included in this Code Amendment and in their vicinity have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 3, 2011, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of November 3, 2011; and

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

FACTS:

The applicant is requesting approval of a Conditional Use Permit No. CUP-339-11, to allow the operation of an indoor sports facility, MAP Sports Facility, at 12552 Western Avenue. This request is in conjunction with a Code Amendment No. A-162-11 to allow "indoor sports facility" uses in the M-P (Industrial Park) zone.

The Map Sports Facility is on an overall site that is approximately six (6) acres in size. This parcel has been divided in two and separated by fencing to allow two businesses to operate independently of each other. The MAP Sports Facility will be on the larger of the two portions at approximately four (4) acres in size. The smaller portion of the divided site (approximately two (2) acres) is to the south and has an existing building occupied by a logistics company.

The building that MAP proposes to use is on the corner of Western Avenue and Lampson Avenue and is approximately 80,000 square feet in floor area. MAP will share the site with a solar electricity company, PPG. PPG will have exclusive use of the office (8,000 square feet) at the front of the site on Western Avenue and a portion of the warehouse (7,000 square feet) at the back of the building. MAP will use the remaining 65,000 square feet of floor area for basketball/volleyball courts.

The proposed indoor sports facility will not compete for parking on the site with the solar electricity company. MAP will operate its courts for league play after regular business hours when the solar electricity company is closed. MAP will operate during the weekday evenings from 6:00 p.m. to 10:00 p.m. and from 8:00 a.m. to 10:00 p.m. on the weekends.

FINDINGS AND REASONS:

Conditional Use Permit:

1. In conjunction with the associated Amendment, the proposed MAP Sports Facility at 12552 Western Avenue will be consistent with the City's General Plan. The M-P Zone implements the Industrial Land Use Designation of the General Plan and allows for a varied mix of industrial and commercial uses that include warehousing, parcel delivery, manufacturing, auto/truck repair, blueprint/newspaper printing, kennels, glass studios, and home improvement centers. An indoor sports facility, that is a large warehouse space retrofitted with minor tenant improvements for sports practice and adult league play, will be consistent with the other operations in the area. The proposed use will share the site with an industrial/warehouse business.
2.
 - a. The proposed indoor sports facility will use a portion of an existing industrial warehouse for eight (8) basketball/volleyball courts. The business will operate within a building, will provide adequate parking, will use existing infrastructure, and will operate during hours when the surrounding businesses are closed. The indoor sports facility will be compatible with the neighboring properties and have no adverse affect upon the health, peace, comfort, or welfare of persons working in the surrounding area.
 - b. The operation of the proposed indoor sports facility has been planned to share a site with an industrial/warehousing business and to not interfere with the operation of the "industrial" uses in the surrounding area. The sports facility will operate after regular business hours and on the weekend days when many of the industrial/commercial uses are closed. The sports facility is on a major street for ease of access and to not encumber smaller streets in the industrial area. The proposed indoor sports facility will operate in a way that does not conflict with the regular permitted business operations in the area and therefore, will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site.
 - c. City Departments responsible for traffic, water services, environmental services, safety, etc. have reviewed the proposal and have determined that the proposed indoor sports facility will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Conditions of approval will ensure the public, health, safety, and welfare.
3. The proposed indoor sports facility was required to submit a parking study prepared by a licensed traffic engineer. The MAP business owners will provide additional parking on the site that will accommodate the sports facility use. The use will be integrated with the uses in the surrounding area. The operation of the MAP Sports Facility is proposed to take advantage of the hours when most of the industrial businesses in the area are closed. MAP

proposes to operate from 6:00 p.m. to 10:00 p.m. on weekdays and 10:00 a.m. to 6:00 p.m. on the weekends. The proposed indoor sports facility will use part of an existing building on a site that has existing landscaped setbacks and large paved parking and loading areas. The lot can accommodate the addition of more parking spaces to allow the sports facility use to share the site with the solar electricity company.

- 4. Adequate parking and vehicular access are available for the new facility in accordance with the requirements of Title 9 and through the review of a parking study for the MAP Sports Facility. The proposal has been reviewed by City Departments responsible for traffic, water services, environmental services, and safety. These Departments have determined that the site for the proposed indoor sports facility is adequately served by existing infrastructure, circulation, and other facilities to allow its operation.

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 Conditional Use Permit possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.

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 Conditional Use Permit No. CUP-339-11.

ADOPTED this 3rd day of November, 2011

/s/ JENNIFER CABRAL
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 November 3, 2011, by the following votes:

AYES:	COMMISSIONERS:	BRIETIGAM, CABRAL, DOVINH, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUI, LAZENBY

/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 November 28, 2011.

EXHIBIT "A"

CONDITIONS OF APPROVAL

For

Conditional Use Permit No. CUP-339-11
12552 Western Avenue

General Conditions

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission.
2. Conditional Use Permit No. CUP-339-11 shall not become effective until and unless an Ordinance adopted by the Garden Grove City Council approving Amendment No. A-162-11 in substantially the same form as recommended by the Planning Commission becomes effective. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by any necessary permits or licenses required to conduct the use, in compliance with all applicable laws. In the event that Code Amendment No. A-162-11 is not approved, this approval for CUP-339-11 shall become null and void.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made a Conditional Use Permit shall be filed that reflects any revisions made to, or changes to the proposed business and its facilities.
4. The approved floor plan and the use of the subject property are integral parts of the decision approving this Conditional Use Permit. There shall be no change in the design of the floor plan and the operation of the proposed indoor sports facility 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 or changing the proposed development, shall obtain the proper entitlements.

FINAL

Public Works – Environmental Services Division

5. For any demolition work performed on the site, the processing of all material shall be performed in accordance with local rules and regulations. Garden Grove Disposal shall provide waste containers for demolition materials in accordance with their exclusive franchise agreement with the City of Garden Grove.

Building Services Division

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

Community Development Department

7. Approval of this Conditional Use Permit is contingent upon City Council approval of Amendment No. A-162-11, to allow "indoor sports facility" uses in the M-P (Industrial Park) zone. There shall be no additional changes in the design of the floor plan without the approval of the Community Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying or changing the present use, shall require the applicant/business owner to obtain the proper entitlements.
8. At the sports facility site, all practicing and playing of sports shall occur within the building. Hours of operation shall be 6:00 p.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 10:00 p.m. Saturday and Sunday. All games shall be scheduled with a thirty-minute interval between them to allow time for one set of team members to leave the facility before the next teams arrive and therefore, not double the parking demand.
9. There shall be no tournaments, competitions, or other special events that draw spectators. To add tournaments and other such events to the approved business operation, the business owners shall provide a revised parking study and an operational plan to address the increased demand in parking. For regularly occurring tournaments or events the applicant shall submit for approval by the Community Development Department a request to modify the conditional use permit. The applicant can apply for a Special Event

permit for a tournament/event that is a one-time addition. In both cases the submittal and approval of a revised parking study and operational plan by the Community Development Department is required. To engage in a tournament/event, the business owner shall submit plans for review and approval by the Community Development Department a minimum of 30 days prior to the tournament/event.

10. A new main entrance to the indoor sports facility shall be constructed on the Western Avenue elevation of the building to provide clear direction and to provide a path for wheelchair access between the sidewalk and the facility. The new entrance shall be included in the building permit for the tenant improvements to construct the indoor courts.
11. The applicant/property owner shall maintain 170 parking spaces on the site that are available to participants at the indoor sports facility. Due to the nature of the operation of an indoor sports facility with variables in user demand there is the possibility that parking issues may arise. In the event, the site cannot accommodate the parking demand at any given time which causes a nuisance, hindrance, and/or problem with both on-site and off-site parking and circulation, the business owner/property owner shall devise and implement a plan to relieve the situation. On-site circulation problems refer to parking along designated "red-curb" area, blocking fire lanes, blocking regular drive aisles/double parking and reducing or blocking entrances or exits.

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

If the City deems such action is necessary to address parking and circulation problems, such action shall be required within 30 days of written notice. Failure to take appropriate action may result in the City restricting the overall use of the facility.

12. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed

- near or at the entrance of the establishment, and shall also be visible to the public.
13. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
 14. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises.
 15. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
 16. There shall be no customers or patrons in or about the premises when the establishment is closed.
 17. In the event security problems occur, and at the request of the Police Department, the applicant/business owner, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
 18. New lighting shall be added to highlight the main entries into the indoor sports facilities and to provide adequate lighting for the new parking areas. All lighting structures shall be placed and maintained so as to confine direct rays to the subject property. Lighting levels shall be maintained at a minimum of two foot-candles during hours of operation and a minimum of one foot-candle all other hours of darkness.
 19. Graffiti shall be removed from the premises, and all parking lots under the control of business owner(s) and/or property owner, within 120 hours upon notification/application. Additionally, the applicant/owner shall remove all USA markings from the public right-of-way upon completion of any construction.
 20. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
 21. The applicant/business owner shall submit a revised site plan showing the location of a trash enclosure for approval by the Community Development Department. The applicant/business owner shall be responsible for the construction of a trash enclosure on the site and coordinating with the

Garden Grove Sanitary District and their contractor the specifics such as trash pick-up times, number and types of trash receptacles, and locations of the trash enclosures. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.

22. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
23. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
24. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
25. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
26. The applicant/business owner(s) shall submit a sign plan for review and approval by the Community Development Department showing the locations and design for new signs identifying the sports facility and any other directional signs to make the circulation, parking, and loading on the site clear. The applicant/business owner(s) are responsible for obtaining a sign permit and installing the signs prior to beginning operation of the indoor sports facility. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
27. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. Signing for the development shall be consistent with that for the developments in the M-P (Industrial Park) zone as stated in the City of Garden Grove Municipal Code.

28. A copy of the Resolution and the Conditions of Approval for Conditional Use Permit No. CUP-339-11 shall be kept on the premises at all times.
29. The applicant and business owner shall submit a signed letter acknowledging receipt of the resolution approving Conditional Use Permit No. CUP-339-11, and his/her agreement with all conditions of the approval.
30. The City at its discretion may review Conditional Use Permit No. CUP-339-11 every year order to determine if the business is operating in compliance with the conditions of approval and if further administrative review is required.
31. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of CUP-339-11.
32. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Amendment No. A-162-11 and Conditional Use Permit No. CUP-339-11. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-162-11
CONDITIONAL USE PERMIT NO. CUP-339-11

APPLICANT: ALDEN MANAGEMENT GROUP

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

DATE: NOVEMBER 3, 2011

REQUEST: To amend Title 9 of the City of Garden Grove Municipal Code to allow sports facility uses in the M-P zone, in conjunction with a Conditional Use Permit approval for the new use. The applicant proposes to use 65,000 square feet of an existing 81,000 square foot warehouse building as a sports facility, with eight basketball/volleyball courts. Progressive Power Group, Inc. (PPG), a solar installation company, will utilize the building's remaining 16,000 square feet, with 8,000 square feet for office space and 8,000 square feet for warehouse space. The site is in the M-P (Industrial Park) zone.

Staff report was read and recommended approval. Condition of Approval No. 2 was revised. Six letters of opposition from business owners in the vicinity of the project stated concerns of increased traffic, safety, security, littering, and property damage, were written by Joe Ruffino, Mike Farrell, Spencer Hurtt, Roman Horecsko, Maggie Guevara, and Robert Marrujo. One letter of support was written by Kim Huy, Director of Community Services, City of Garden Grove.

Commissioner Dovich expressed his concern as to whether or not an emergency services plan would be provided in case of on-site sport injuries.

Staff stated that though health problems were not anticipated, the facility would be close to care facilities.

Commissioner Brietigam added that two fire stations were nearby for emergency situations.

Commissioner Pak echoed the concern that CPR, first aid, and a defibrillator should be nearby, along with staff that would have the proper training.

Commissioner Brietigam asked if juvenile leagues would be a part of the activities. Staff replied that the three groups targeted for the facility were adults, youths, and the high schools.

Commissioner Silva asked staff to clarify Condition Nos. 14 and 15 regarding gaming and adult entertainment. Staff responded that these were standard conditions as a safeguard for an additional level of protection as some businesses that do not do well look for other types of activities.

Commissioner Silva asked staff to clarify Condition No. 9 regarding no tournament play as this activity would typically be a part of a sports facility. Staff explained that

the applicant did not wish to include tournament play at this time, however, he may consider tournaments in the future; that parking for league and tournaments was different, as typically, the parking need would increase with tournament play; also, that Condition No. 9 could be changed in the future, subject to staff approval.

Commissioner Pak asked if MAP and PPG would share office space. Staff replied that the office was for PPG and that Ross Butcher, the owner of PPG, was a partner of MAP Sports Facility and that office work could overlap.

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

Mr. Marty Walker, the applicant, approached the Commission and was asked by Vice Chair Cabral if he had read and agreed with the Conditions of Approval. Mr. Walker replied yes.

Commissioner Brietigam asked the applicant if there would be an emergency plan in place, especially with a defibrillator for a margin of safety. Mr. Walker responded that a defibrillator would be mandatory as well as staff being trained in first aid; that two hospitals and a fire department were near the sports facility location; also, that tournaments would be considered as a potential customer.

Commissioner Dovich recommended the applicant let the area hospitals and fire department know that their sports facility existed for quicker service in an emergency; and in the future, the hospitals and fire departments should be informed as to when a tournament would take place.

The applicant agreed and stated that informing the proper emergency facilities should be mandatory.

Commissioner Pak asked the applicant to clarify the rates. Mr. Walker replied that the rates would be between \$40-55 per hour; that paid parking had not been looked into; that handicap parking was mandatory; that a security person or a parking control person would be in the parking lot similar to the American Sports Center in Anaheim; and that a staff person would walk the facility on a semi-regular basis to monitor what was being brought into the facility.

Mr. Andrew Zimbaldi, the property owner's representative, approached the Commission and stated that his primary business was industrial, however, he saw the need for the sports facility and had confidence in Mr. Walker's insight.

Vice Chair Cabral mentioned that one letter of support and six letters of opposition were submitted.

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

Staff revisited Condition No. 9 regarding tournament play and stated that the "one-time addition" phrase for a Special Event permit could be omitted; that parking for tournament play and standard league play was different; that parking for this project was based on league play; that tournament play, such as for volleyball, has four teams per court, which increases the number of persons and the parking requirement; that a parking analysis would allow staff to re-review the parking; that all City departments review Special Event Permits, including Police and Fire; and that

if the facility could not handle tournament play, the play could be limited to lessen the impact on adjoining properties.

Staff also added that Condition No. 9 would allow flexibility for special events with a limited number of events per year; and that the CUP could be modified, if for example, the applicant wanted a special event once a month.

Commissioner Brietigam noted that there would be 30 minutes between games. Staff responded that tournament play would have more people; that more specific details for tournament play would be needed; that a Special Event could occur three times per year per the code; and that tournament play could have a set schedule of once per month; and that the applicant would provide more details for their tournament play needs.

Vice Chair Cabral reopened the public hearing and Mr. Walker stated that parents would typically drop children off or children would be a part of a carpool.

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

Commissioner Pak asked staff if the facility would provide food vending machines. Staff responded that the applicant could provide vending machines with packaged food; and that each machine would need to be licensed by the Business License division.

Commissioner Pak asked staff to clarify the entrances. Staff responded that a new curb cut would occur on Lampson Avenue; that the rear west side of the building would have a southerly entrance for the rear parking and the new entrance would be on the warehouse wall, south of the office.

Vice Chair Cabral acknowledged the letters of opposition and stated that Condition Nos. 17 and 19 would address security and graffiti concerns; that the parking was adequate; and that new business in empty buildings was a good idea.

Commissioner Brietigam expressed his support.

Commissioner Brietigam moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-162-11 to City Council, and to approve Conditional Use Permit No. CUP-339-11, with a revision to Condition No. 2, seconded by Vice Chair Cabral, pursuant to the facts and reasons contained in Resolution Nos. 5749-11 (A) and 5750-11 (CUP). Conditional Use Permit No. CUP-339-11 shall not become effective until and unless an Ordinance adopted by the Garden Grove City Council approving Amendment No. A-162-11 in substantially the same form as recommended by the Planning commission becomes effective. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, CABRAL, DOVINH, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUI, LAZENBY

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT NO. A-162-11, A CODE AMENDMENT TO ALLOW "INDOOR SPORTS FACILITY" USES IN THE M-P (INDUSTRIAL PARK) ZONE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL.

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

WHEREAS, the case, initiated by Alden Management Group, is requesting approval of an amendment to the M-P (Industrial Park) zone to add "indoor sports facility" uses, subject to Conditional Use Permit approval, in conjunction with a request for Conditional Use Permit approval to operate a new 65,000 square foot indoor sports facility, the MAP Sports Facility, at 12552 Western Avenue; and

WHEREAS, that pursuant to the California Environmental Quality Act, California Public Resources Section 21000 et. seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 15000 et. seq., an initial study was prepared and it has been determined that the proposed Project qualifies for a Negative Declaration because the proposed Project cannot, or will not, have significant adverse effect on the environment. The Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines; and

WHEREAS, pursuant to Resolution No. 5749-11 the Planning Commission, at a duly advertised public hearing, recommended adoption of the Negative Declaration and approval of Amendment No. A-162-11 on November 3, 2011; and

WHEREAS, pursuant to the whole record before it, including the initial study and comments received, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment.

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on December 13, 2011, 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: Amendment No. A-162-11 is hereby approved and the Negative Declaration adopted pursuant to the facts and reasons stated in Planning Commission Resolution No. 5749-11, 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 2: The Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1

(Code Amendment). The Planning Commission recommends approval of Amendment No. A-162-11 as follows:

The proposed Amendment would consist of the following:

1. The definition of uses occurs in the first chapter of Title 9, Chapter 4. Section 90.04.060: Definitions, Subsection C.9 will be modified to include the following definition: **"Indoor Sports Facility"** means an indoor space used by teams to practice sports or engage in league/club play most often during weekday evenings and weekend days. Typical facilities include, but are not limited to, basketball courts, volleyball courts, badminton courts, and indoor soccer fields. Tournament play may be allowed based on the availability of parking. All parking is determined by a parking study."
2. Development standards for commercial, office professional, industrial, and open space zones are found in Chapter 16 of Title 9. The Land Use Matrix in Code Section 9.16.020.030: Uses Permitted will be modified to add the following:

USES	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Indoor Sports Facility	-	-	-	-	-	-	-	-	C*	-

* Use shall be subject to special conditions for specific restrictions as listed in this Section.

3. Section 9.16.020.050: Special Operating Conditions and Development Standards shall be modified to add specific standards for an "Indoor Sports Facility". The new standards will be added after AG. Indoor, Multi-Tenant Retail Shopping Center and all subsequent uses requiring special operating conditions shall be re-lettered accordingly. The special conditions/standards to be added are:

AH. Indoor Sports Facility. Subject to the following requirements:

1. At no time shall an indoor sports facility impede the normal functions of the permitted uses in the zone in which it is located.
2. The number of Indoor Sports Facilities permitted in the M-P zone is limited to a total of four (4).
3. An "Indoor Sports Facility" use shall only be located on properties facing and having access on a primary or secondary arterial.
4. Required parking is determined by the Community Development Department through the review of a Parking Study prepared by a licensed traffic engineer.
5. The Parking Study shall take into account all aspects of the proposed operation. The operation of "indoor sports facility" uses can have significant differences in the number of parking spaces based on the type of play, whether league or tournament. Among the variables to be considered are the different requirements for different leagues including the number of players on teams, number of officials, and the scheduling requirements.
6. Proposed indoor sports facilities shall be reviewed based on their proposed operation and individual site. A complete description of the operation shall be submitted and shall include, but not be limited to,

the type of sports, the name of the leagues and their requirements, all proposed tournaments or special sporting events proposed, an accounting of coaches and officials, and any accessory uses.

4. Section 9.16.040.150: Parking Spaces required (for commercial/industrial uses) shall be modified under Subsection F Commercial Recreation as follows:

9. Indoor Sports Facility	A Parking Study prepared by a licensed traffic engineer and reviewed by the Community Development Department shall determine the number of parking spaces.
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All subsequent listing of uses and their parking ratios shall be re-lettered accordingly.

SECTION 3: 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.