



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

JULY 7, 2016

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

REGULAR SESSION - 7:00 P.M. COUNCIL CHAMBER

ROLL CALL: CHAIR O'NEILL, VICE CHAIR KANZLER
COMMISSIONERS BARKER, MARGOLIN, NUYGEN, PAREDES,
ZAMORA

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Council Chamber at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: June 16, 2016
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. CONDITIONAL USE PERMIT NO. CUP-066-2016

APPLICANT: KARIE BARKER

LOCATION: SOUTH OF STANFORD AVENUE, WEST OF
BROOKHURST STREET AND STANFORD AVENUE AT
12755 BROOKHURST STREET

REQUEST: Conditional Use Permit approval to operate a new 1,850 square foot after-school tutoring center for 46 students and six (6) instructors. The site is in the GGMU1 (Garden Grove Mixed Use 1) zone. The project is exempt pursuant to CEQA Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-066-2016, subject to the recommended conditions of approval.

D. MATTERS FROM COMMISSIONERS

E. MATTERS FROM STAFF

E.1. REVIEW OF BROWN ACT – Conflict of Interest Laws

F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION
Council Chamber, Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, June 16, 2016

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair O'Neill
Vice Chair Kanzler
Commissioner Barker
Commissioner Margolin
Commissioner Nuygen
Commissioner Paredes
Commissioner Zamora

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Commissioner Paredes.

ORAL COMMUNICATIONS – PUBLIC – None.

June 2, 2016 MINUTES:

Action: Received and filed.
Motion: Margolin Second: Barker
Ayes: (7) Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes,
Zamora
Noes: (0) None

The following item was taken out of order.

PUBLIC HEARING – SITE PLAN NO. SP-025-2016, CONDITIONAL USE PERMIT NO. CUP-079-2016, VARIANCE NO. V-012-2016. FOR PROPERTY LOCATED AT 11162 GARDEN GROVE BOULEVARD, SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET.

Applicant: Danny Bockting
Date: June 16, 2016

Request: Site Plan approval to construct a 940 square foot pad building, for a drive-thru coffeehouse, Starbucks, on an approximately 16,689 square foot vacant lot, along with associated improvements, which include a

parking lot and landscaping, and a request for Conditional Use Permit approval to operate the proposed drive-thru coffeehouse. Also, a request for Variance approval to deviate from the minimum lot size requirement for drive-thru facilities in the CC-3 (Civic Center Core) zone. The project is exempt pursuant to CEQA Section 15303 – New Construction or Conversion of Small Structures.

At the applicant's request, an amendment to remove Condition No. 18, in regard to reciprocal access to the abutting property, was agreed to by staff and was entered into the record.

Vice Chair Kanzler asked if there was a minimum standard for the number of bike racks, saying that he preferred the large racks to encourage people to ride bikes. Staff responded that 16 bikes could be accommodated, however, there was no rack design yet.

Commissioner Zamora asked staff to describe the 3'-0" high block wall in regard to access and maneuverability in the parking lot. Staff explained that the Garden Grove Boulevard driveway to the Starbucks property would be removed and that ingress/egress to the Starbucks property would be from the Euclid Street driveway only; that the shopping center driveway on Garden Grove Boulevard would remain as the ingress/egress point for the shopping center; that the applicant would move the proposed westerly 3'-0" high block wall in a few feet, and provide a low planter, for additional back up space for shopping center customers; and, that the wrought iron fencing that belonged to the shopping center owner could potentially remain.

Commissioner Paredes asked for the number of customer trash receptacles. Staff deferred to the applicant.

Commissioner Barker expressed his concern about the aesthetics of the 3'-0" high block wall abutting the shopping center property and asked if the non-planter south side could also have landscaping. Staff responded that an added condition could request landscaping.

Chair O'Neill opened the public hearing.

Mr. Kayman Wong, the applicant/developer, described the project and stated that three to four trash receptacles would be on site; and, that three to four, no more than five, employees would work during peak times.

Commissioner Zamora asked if the outside seating would have heaters. Mr. Wong replied that the store manager and district manager would make that decision.

Vice Chair Kanzler asked about vegetation to buffer the block wall. Mr.

Wong stated that the adjacent owner did not address the removal of the wrought iron fence; that he would be asked to; and that he was also concerned with the look of the west side block wall and asked that the wall be raised from 3'-0" to 4'-5". Mr. Wong added that the planter would be 2'-6" wide; that vegetation in the middle of the lot would have watering issues; and, that the block wall could be changed to a more decorative wall or fence to avoid being unsightly.

Commissioner Nuygen expressed his safety concern for pedestrians crossing the walking path across the drive-thru lane to pick up an order. Mr. Wong stated that the path could be striped and have added signage to ensure safety.

Action: Public Hearing held. Speaker(s): Kayman Wong

Action: Resolution No. 5864-16 was approved with amendments to remove Condition No. 18 and add a condition for the applicant to work with staff to improve the aesthetics of both sides of the south and west block walls.

Motion: Zamora Second: Barker

Ayes: (7) Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes, Zamora

Noes: (0) None

PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION, CONDITIONAL USE PERMIT NO. CUP-073-2016 FOR PROPERTY LOCATED AT 13272 GARDEN GROVE BOULEVARD, SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF FAIRVIEW STREET.

Applicant: Heaven's Gate Funeral Home, Inc.

Date: June 16, 2016

Request: Conditional Use Permit approval to operate a new funeral home, within an existing approximately 19,460 square foot office building, which will include a mortuary and crematory.

Ms. Binh Minh Tran was available for Vietnamese translation.

Vice Chair Kanzler acknowledged that he had listened to the audio recording and read the Minutes from the June 2, 2016 Planning Commission meeting in order to participate in the meeting.

Chair O'Neill then waived the reading of the staff report and continued with the Public Hearing, which was left open from the June 2, 2016 meeting.

Staff also noted that an alternative resolution of denial was prepared in addition to the prior resolution of approval.

Staff noted, that prior to the meeting, a letter of opposition was received from residents within 500 feet of the proposed site, which included 35 signatures and concerns relating to proximity, health risks, and future property values. This letter was entered into the record.

Staff also received a petition of opposition from Chieu, with 235 signatures and this petition was placed into the record.

Staff noted that an update to the online petition of opposition at www.change.org indicated that signatures had grown from 376 to 486 with 144 comments in total. This information was entered into the record.

Also, prior to this meeting, staff received another petition of opposition with 30 signatures from residents that live within a 500 foot radius from the Macera Crematory in Santa Ana. This letter was entered into the record.

Finally, staff received a letter of opposition from Michele Martinez, a Councilwoman from Santa Ana, whose concerns included air quality impacts, noise, light, and lowering of property values. The letter was entered into the record.

Mr. Samuel Romero, who lives near the crematorium in Santa Ana, stated that during the summer months, the 'smell' wafted through the air; that certain air movements caused the neighborhood to be affected; that the nearest home was 200 feet away and they would get the stench; that residents have asked the City of Santa Ana to help get the crematorium moved to an area with at least a 1,000 foot radius away from residential, without success; and, that the Commission should vote no.

Mr. Khai Nguyen noted that embalmers were required to wear protective gear when handling toxic chemicals and questioned where the chemicals were disposed of and hoped there was no contamination to sewer lines; that there was no documentation on where the air flowed from a broken afterburner that shut down automatically; that children would stay inside and become obese; that senior citizens were afraid to walk outside; that no smoking areas evolved from learning experience, similar to people having learned about the risks of tanning over time; and, that the decision should be based on common sense.

Ms. Bao Tran did not understand how staff could have recommended approval of the proposed project; that Santa Ana Councilwoman Michele Martinez's letter stated crematoriums were typically industrial uses

separated from residential areas and that the Santa Ana crematory smells; that there were health concerns for children; that Tuan Nguyen's letter of support had signatures from areas other than Garden Grove and that the letter failed to mention the location of the proposed crematory; and that her main concerns were proximity, health risks, and loss of property value.

Mr. John Pham stated that the project would adversely affect the health, peace, and comfort or welfare of residents, and would interfere with the use, enjoyment, or valuation of the property, and jeopardize, endanger and be a menace to public health; and, that prolonged anxiety and stress would affect the resident's mental health.

Mr. Joseph Tran questioned the removal of mercury/amalgam prior to cremation as lawyers he contacted stated that fillings were not required by law to be removed; that some families see tooth removal as an emotional desecration of deceased in addition to a lack of dignity; that bodies were not considered solid waste, therefore, there were no limitations on mercury emissions that could cause damage; and, that mercury did not degrade, and cremations would increase with the baby boomer population.

Mr. David Le stated that 'legal noticing' was only a 300' radius; that the applicant's letter of support had signatures outside the area; that 34 bodies per month with two crematory units could be 68 bodies per month; that he questioned the inspections; that their homes and well-being would be affected; and that a 'yes' vote would affect generations.

Mr. Tan Hoang mentioned the loss of property value, especially for an elderly couple he knew, who wanted to eventually move into a retirement home.

Mr. Yun Coe expressed his concern with toxic air, and increased traffic, and that the senior citizens would stop exercising; that he could not believe a crematory would be in a residential area; that there was a duty to the next generation to provide a clean and safe environment; and, the Commission should disapprove.

Ms. Stacey Hua, who displayed enlarged aerial and proximity photos, stated that her family was not against the business, just the location; that the applicant should move to an industrial area away from schools and homes; that the project would be detrimental to their quality of life; that residents should be top priority; and that issues included health risks, property values, and outside activities for children and seniors.

Ms. Jeanne Thai stated that the project was not harmonious and did not fit in land use element of the General Plan for neighborhood preservation; that her concerns were air pollution, traffic pollution, and

outside safety; and, that the project would be detrimental to the neighborhood with loss of property values.

Chair O'Neill asked for a recess at 8:25 p.m. The session reconvened at 8:37 p.m.

Ms. Annie Nguyen asked that the crematory not be built and asked Tuan Nguyen to bring honor to the Vietnamese.

Mr. John Kim expressed concerns in regard to toxic fumes, proximity to churches, schools, and homes, financial issues from loss of property values, and that he did not want the project in the community.

Ms. Susan Scott spoke on behalf of her mother Carol Scott and stated that the crematory would have 'hot' areas and recalled both Chernobyl and Three-Mile Island, projects which were purported to be safe; and, that the people were not being considered.

Ms. Barbara Dale stated Ms. Chi Tang, the applicant's representative, had mentioned on June 2nd, that Tuan Nguyen was for his people; that if he was, he would not put the crematory in the neighborhood; that her concerns included toxic emissions, traffic, and the location; that feelings should be considered; and, that no one would receive cancer in the future.

Mr. Trong Nguyen spoke on liberty, rights, and human nature; that the proximity of the project to the neighborhood was a violation of rights and needed to be relocated; that his peace of mind was upset; that public servants should care about the people; that his concerns were traffic from the funerals, air quality, and stress; and, that the Commission should reject the proposal.

Mr. Gerome Guth, who had worked at the Fairhaven crematory over seven years, and had done embalming, stated that a majority of concerns were unjustified; that funeral homes were being bought by corporations, of which Fairhaven was now a part; that Peek and Rose Hills were heading that way; that Mr. Tuan Nguyen was an individual with a service at a reasonable price and he had respect, honor, and dignity, and should have a chance; that he would buy a home next to a funeral park; that there was no smell in his crematory, that embalming was protected, and no one passed away as a result of working in the industry.

Mr. Walter Muneton expressed that the concerns were valid and commented that the community did a great job of coming together as one; that the residents did not want the crematory in their neighborhood; that the people had spoken; and, the Commission needed to make the right decision.

Ms. Candace Parker expressed that she was concerned for her mother's health, and had respect for the business, but wondered why, with all the people turning out, that proximity to schools, churches, residences, the elderly, and traffic were not considered.

Mr. Quan Dang stated that he was not against the business, but his concerns were proximity and emissions of toxins.

Mr. Lam Pham thanked the Commission and relayed that his son had asthma and he was opposed to the location and toxins; and, that if the children were affected, questioned who would be accountable.

Mr. Steve Check stated that he helped Tuan Nguyen start Heaven's Gate Funeral Home in 2009; that there was little competition then and it took years to find a good site in Westminster; that Tuan was passionate about the business; and, they were moderately successful in Westminster because of cheaper prices.

Mr. Jesse Arambulo explained that the crematory was really an incinerator; that he worked as an air conditioner mechanic with many years of training in Air Infiltration; that no filter could 100 percent arrest particles, because if so, air flow would be stopped; that any filter had an air-bypass through which unfiltered air would go through; that filter racks were not air-tight; that toxins would go into the air with odorous fumes; and, that he urged the Commission to vote no.

Mr. Steven Schulte explained that he had been a specialist in chemical defense in the Marine Corp.; that hazards of liquid embalming chemicals were minimal with proper disposal techniques and would not be a health hazard, except to those working with the chemical; that those working with the chemicals would be fine with proper safety protocol; that the air filter would work just like the catalytic converter in a car; that the side air-bypass was for emergencies if the filter would get plugged and was not frequently used; that 1800 degrees would get rid of all contaminants; that he acknowledged the power of religion, however, it would be good to have the services in the backyard because of the location during grieving; that though the community had come together, the project was not hazardous, no more than exhaust fumes from Garden Grove Boulevard or Fairview Street; and, that all cremation businesses had the same filters, and he questioned why were they not being questioned too.

Ms. Carolyn Le expressed that the studies were not conclusive; that there would be a loss of property values; and she believed no one else would want the project in their backyard.

Ms. Hong Ho stated that her concerns included health risks to children;

that people should be considered; and, that the business would be a flop as friends and family were all connected.

Mr. Siraj Hussein mentioned that he worked in a different capacity at a morgue and when the power went out, the smell was awful. He also cited property values and traffic as concerns.

Chair O'Neill called for a recess at 9:34 p.m. The session reconvened at 9:40 p.m.

Ms. Kim Tran spoke on behalf of her mother Ms. Nu Bui. Ms. Tran translated that the houses were over 60 years old; that concerns were the impact on herself and children in the area; that residents would come home from work and work on research; and, that she hoped people understood both sides. Ms. Tran stated that stress was the real emotional and psychological impact that could not be measured; and, that as her daughter she could see the stress.

Ms. Tracy Nguyen stated that no dollar amount could be placed on fear, because fear was not rational; that even though the project met code, these were moral and ethical issues; that the applicant was imposing a lifestyle on residents; and, that more than four residences would be affected.

Mr. Rick Vu commented that his concerns were the noise level, as he worked at home, and the location.

Mr. Enrique Guzman stated that what came to mind was the smell of burning flesh; that property values would be affected; that the applicant should pay to educate the residents; and, that he would like to know how the system worked.

Mr. Peter Nguyen stated that he missed his daughter's graduation; that another crematory was 1.5 miles away, not near residents; that the applicant was against the community; that the children would be affected; that people in Garden Grove, Orange, and Santa Ana would be hurt; that the applicant needed to move or lose business; and, that the applicant should respect living people.

Ms. Lynn Nguyen stated that the neighbors had a rally last Sunday; and, that the crowd was diverse and their concern was proximity.

Mr. Phong Bui handed out a copy of a Letter of Recommendation from Tuan Tran, a customer who had used the Heaven's Gate Westminster location. The letter was entered into the record. He also held up a certificate of recognition signed by Garden Grove Councilman Phat Bui, which acknowledged the funeral home's service. Mr. Bui then stated that he had worked in the Heaven's Gate Funeral Home for almost six

years and that he and the applicant had a goal to open a second business to help communities, the Vietnamese especially, and those who struggled financially; that his religion was the Constitution of the United States of America; that though the requirements were met, people did not understand the facts that matter, such as regarding emissions; that the applicant would be near to help and comfort and take care of the families; that there would be no health risk; that employees had been properly trained; and, that they had the best septic equipment.

Mr. Tuan Nguyen stated that he did not want his own people fighting; that he had helped people, and the Asian community was very important; that a burial would cost at least \$30,000; that the Vietnamese often took out loans to pay for the funerals; that his passion was to help people; and, that he had rights and would stand for what he believed in.

Commissioner Paredes asked applicant to clarify the number of bodies allowed to be cremated per month. Mr. Nguyen explained that 34 per burner, per month, would be 68 allowed total, however, the count could vary.

Commissioner Zamora reiterated that the residents were not against the applicant, just the location, however, her concern was the lack of evidence that emissions would not affect people and that the expert could not guarantee the fumes would not become airborne.

Mr. Steve Abraham, the real estate broker, established that the project was in the C-2 (Community Commercial) zone, which required a Conditional Use Permit (CUP); that if they moved to a C-3 (Heavy Commercial) zone, of which there were several across from the current property, a Conditional Use Permit would not be required; that if conditions were not met and there were violations, the CUP could be withdrawn; that real estate values were affected by schools, crime, and traffic; and, that fear would affect value in the beginning, however, after the fears of the quality of life subsided, the property values would not be affected.

Mr. Mark Blodgett, of Blodgett Baylosis Environmental Planning stated that he worked for the City of Garden Grove and not for the applicant; that there would be no odors, smoke, or particulates; that Garden Grove was the only City to put the crematory through the CEQA (California Environmental Quality Act) process; that he lived across an alley of a crematorium for the last five years; that emissions were regulated; that lots of factors affect what emissions come out; that they needed zero emissions from the equipment to exceed CARB (California Resources Board) and South Coast Air Quality Management District; that the roof equipment would not be visible; that the stack height would be shortened and placed horizontal to the roof toward the front; that a

scrubber would be placed on the end of the stack to run contaminants through as a filter; that traffic would be about 70 trips per day, however, the real concern was air quality; and, that residents should appreciate the due diligence of City staff.

Vice Chair Kanzler mentioned that he taught bio-remediation at Cal Poly Pomona, the process which use biological systems to remove pollutants from water, soil and air; that crematory emissions and mercury did not come up as air pollutants; that Garden Grove Boulevard was widened to three lanes during the construction of the 22 Freeway, which created more air pollution; that he lived on the east side near the 22 Freeway; and, that the east side community deserved attention.

Vice Chair Kanzler then moved to deny Conditional Use Permit No. CUP-073-2016, pursuant to the facts and reasons contained in the Resolution. Commissioner Zamora seconded the motion.

Commissioner Nuygen questioned if the residents and community would accept the project being built across the street in the C-3 (Heavy Commercial) zone as an alternative, or were they opposed to all sites near their neighborhood.

Chair O'Neill commented that the Planning Commission represented the people to make the community whole; that this was the process and that the community, applicant, and Commission all believed they were doing what was right regarding concerns and legal issues; that though the project was good, he would support the denial as he could not deny the number of people in the area that would be affected by the psychological and stressful aspects that would also affect their livelihood and well-being.

Action: Public Hearing held. Speaker(s): Tuan Nguyen (Applicant/Owner), Mark Blodgett (Expert from Blodgett, Baylosis Environmental Planning). 29 people spoke in opposition to the request. Five people spoke in favor of the request.

Action: Motion to adopt the proposed alternative Resolution of Denial No. 5863-16 was approved.

Motion: Kanzler Second: Zamora

Ayes: (7) Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes, Zamora

Noes: (0) None

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF: Staff mentioned that the next regular meeting would include one item and a review of The Brown Act in regard to Conflicts of Interest. Staff added that a flyer was available promoting the City's 60th Anniversary in the coming weekend on Saturday, June 18th.

ADJOURNMENT: At 10:39 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, July 7, 2016, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion: Margolin Second: Paredes

Ayes: (7) Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes,
Zamora

Noes: (0) None

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1	SITE LOCATION: South side of Stanford Avenue, with Street Frontages along Brookhurst Way, Brookhurst Street and Stanford Avenue located at 12755 Brookhurst Street
HEARING DATE: July 7, 2016	GENERAL PLAN: Residential/Commercial MU1
CASE NOS.: Conditional Use Permit No. CUP-066-2016	ZONE: GGMU1(Garden Grove Mixed Use 1)
APPLICANT: Karie Barker	APN: 089-661-06
PROPERTY OWNER: Minh V. Tran and Kim Loc Tran	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities

REQUEST:

The applicant requests approval of Conditional Use Permit to operate a new private enterprise after-school tutoring use, School First Learning Center, which will offer tutoring services for children from grades first (1st) through twelfth (12th), with a maximum occupancy of thirty-eight (38) persons in an approximately 1,745 square foot tenant space located at 12755 Brookhurst Street.

BACKGROUND:

The subject property is approximately 46,236 square feet in size and is improved with two (2), two-story commercial buildings totaling approximately 20,562 square foot. The building was originally constructed in 1959 as a professional office building. The property is located on the south side of Stanford Avenue, with street frontages along Brookhurst Way, Brookhurst Street, and Stanford Avenue. The commercial building's tenants include professional offices and one (1) medical use. The subject tenant space under application is an approximately 1,745 square foot space located on the first floor of the north building.

The property maintains a General Plan Land Use designation of Residential and Commercial Mixed Use 1, and is zoned GGMU1 (Garden Grove Mixed Use 1). The property is surrounded by GGMU2 (Garden Grove Mixed Use 2) properties to the east, across Brookhurst Street, a PUD-123-09 zoned property to the south, and R-3 (Multiple-Family Residential) and C-1 (Neighborhood Commercial) zoned properties to the west across Brookhurst Way, and C-1 (Neighborhood Commercial) zoned properties to the north, across Stanford Avenue.

On February of 2009, the applicant obtained City approval to operate a small-scale, after-school tutoring business, with a maximum of fifteen (15) students located at 12112 Brookhurst Street and continues to operate that business.

The applicant made the business decision to expand and retain the tutoring business in the City of Garden Grove. The City classifies after-school tutoring businesses with more than fifteen (15) students to be educational institutions, which are conditionally permitted in the GGMU1 (Garden Grove Mixed Use 1) zone with a Conditional Use Permit. Thus, the applicant has submitted a request for Conditional Use Permit approval to allow the operation of a tutoring center.

DISCUSSION:

The applicant, School First Learning Center, proposes to relocate, expand, and operate an after-school tutoring center. The proposed tenant space is approximately 1,745 square feet with eight (8) individual rooms. There are six (6) tutoring rooms of sufficient size to accommodate from four (4) to eight (8) students each, an administrative office, a storage room, and two adjacent restrooms. The applicant has no plans to perform any tenant improvements beyond new painting and flooring.

The applicant, School First Learning Center, proposes to operate the new private enterprise after school tutoring center, tutoring children from grades first (1st) through twelfth (12th), with a focus on homework, reading, writing, and math skills development. The maximum number of occupants within the proposed tenant space at any one time will be thirty-eight (38) persons pursuant to the 2013 California Building and Plumbing Code. The business plan has indicated that there will be up to thirty-two (32) children and six (6) employees at any one time in the facility. School First Learning Center will operate from 3:00 p.m. to 7:00 p.m., Monday through Friday and 9:30 a.m. to 12:00 p.m. on Saturdays.

Based on the building's square footage, tenant roster, and the proposed tutoring center, Staff was concerned about the available parking spaces and if there would be sufficient parking to accommodate all uses. Staff requested a parking study analysis (the "Study") to determine if there was a sufficient amount of parking to support the current and proposed use. Title 9 of the City's Municipal Code parks private school elementary to high school uses at a rate of one (1) parking space per each employee and one (1) parking space for every six (6) students. The maximum number of occupants within the proposed tenant space at any one time will be thirty-eight (38) persons pursuant to the 2013 California Building and Plumbing Code. The business plan has indicated that there will be thirty-two (32) children and six (6) employees at any one time in the facility. Thus, twelve (12) spaces would be required. The requested Study was drafted by KOA Corporation, a planning and engineering firm, which conducted field observations and parking demand surveys, and determined that the subject site would have sufficient parking for all uses, plus a surplus of fifteen (15) parking spaces during peak use (refer to

table below). Please note that at the time of the Study, the applicant was contemplating an occupancy that would have demanded sixteen (16) parking spaces. However, based on the proposed operating characteristics of the proposed use requiring twelve (12) parking spaces, it is possible that the parking supply surplus will be greater than the fifteen (15) parking spaces during peak use as noted in the Study.

Maximum Observed Parking Demand	24
Proposed Project Parking Demand Increase	16
Parking Demand for Vacant Uses when Occupied	5
15% Turnover Factor	7
Forecast Parking Demand	52
Existing On-Site Parking Study	67
Parking Supply Surplus/Deficit with Proposed Project	15

The Community and Economic Development Department has reviewed the request and is in support of the proposal.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

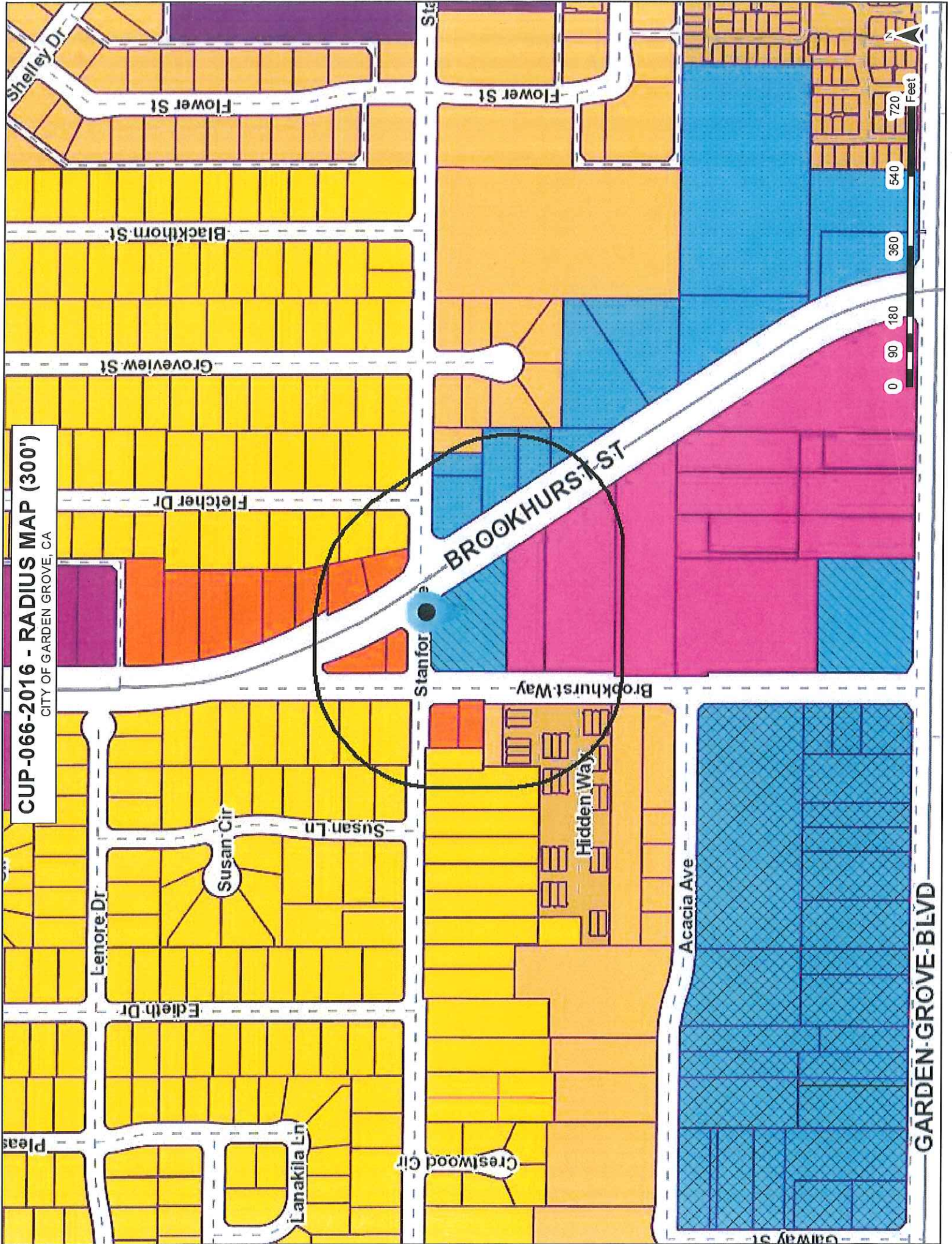
1. Adopt Resolution No. 5856-16 approving Conditional Use Permit No. CUP-066-2016, subject to the recommended conditions of approval.


Karl Hill
Planning Services Manager


By: Paul Guerrero
Senior Program Specialist

CUP-066-2016 - RADIUS MAP (300')

CITY OF GARDEN GROVE, CA



F. EARL MELOTT AIA ARCHITECT AND ASSOCIATES 12752 GARDEN GROVE BLDG. STE. 400 GARDEN GROVE, CA 92645 TEL: (949) 757-7443 FAX: 800-LIVING DREAM

SUNNY REALTY MANAGEMENT, INC. 13275 WEST 4TH STREET SUITE 100 RICHMOND, CA 94804 TEL: (415) 693-3300 FAX: (415) 693-3301

Owner: SUNNY REALTY MANAGEMENT, INC.
City: Sunnyvale
Project: SUNNY REALTY MANAGEMENT, INC.
Site: 13275 West 4th Street, Suite 100, Richmond, CA 94804
Date: 5/18/15

Use is proposed for a building... (N) LETTER REGARDING PARKING
SCHOOL FIRST LEARNING CENTER
SUNNY REALTY MANAGEMENT, INC.

SUNNY REALTY MANAGEMENT, INC.
13275 WEST 4TH STREET SUITE 100
RICHMOND, CA 94804
TEL: (415) 693-3300
FAX: (415) 693-3301

The site is located in a residential neighborhood... (N) LETTER REGARDING PARKING
SCHOOL FIRST LEARNING CENTER
SUNNY REALTY MANAGEMENT, INC.

If you have any questions in the design... (N) LETTER REGARDING PARKING
SCHOOL FIRST LEARNING CENTER
SUNNY REALTY MANAGEMENT, INC.

Author: F. EARL MELOTT AIA
Project Manager:
Date: 5/18/15

Use is proposed for a building... (N) LETTER REGARDING PARKING
SCHOOL FIRST LEARNING CENTER
SUNNY REALTY MANAGEMENT, INC.

Background information... (N) LETTER REGARDING PARKING
SCHOOL FIRST LEARNING CENTER
SUNNY REALTY MANAGEMENT, INC.

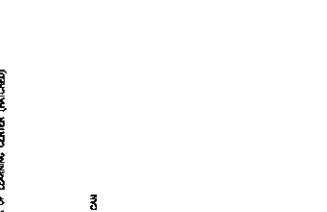
Background information... (N) LETTER REGARDING PARKING
SCHOOL FIRST LEARNING CENTER
SUNNY REALTY MANAGEMENT, INC.

Background information... (N) LETTER REGARDING PARKING
SCHOOL FIRST LEARNING CENTER
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(E) SITE PLAN SCALE: 1" = 30'-0"

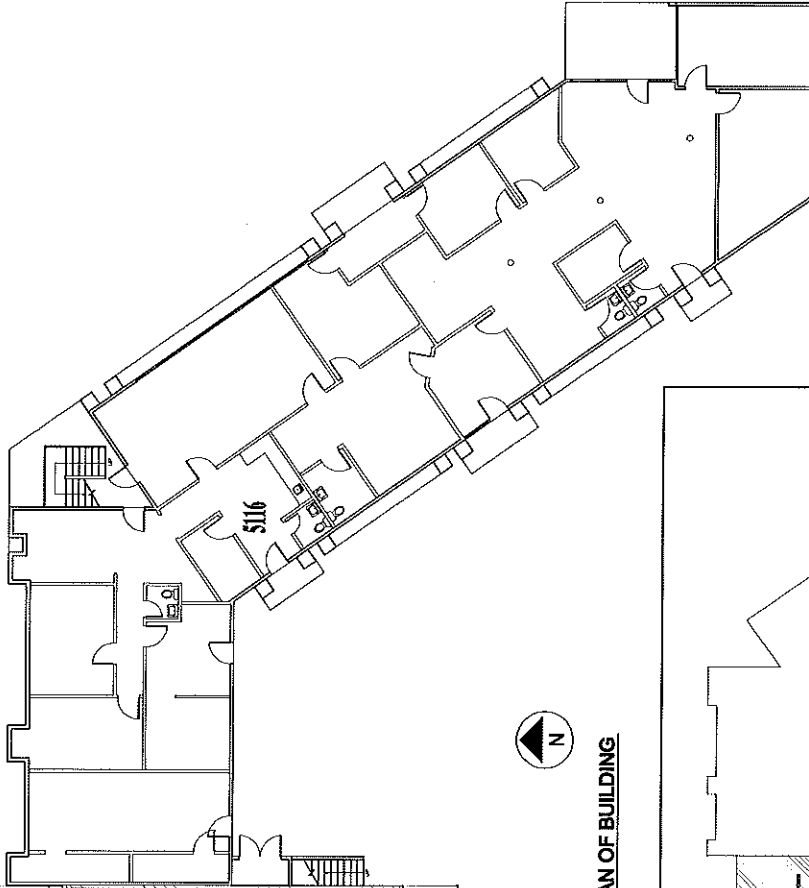
BY CONVERTING 14 OF THESE SPACES TO BIKES, COMPACT STALLS AND LEAVING 2 OF THE 3 ACCESS WE CAN... (E) SITE PLAN



(E) TRAFFIC PATTERN SCALE: 1" = 30'-0"

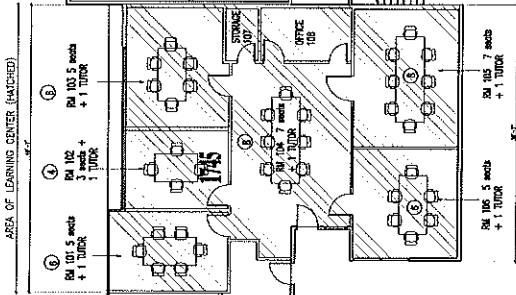
BY CONVERTING 14 OF THESE SPACES TO BIKES, COMPACT STALLS AND LEAVING 2 OF THE 3 ACCESS WE CAN... (E) TRAFFIC PATTERN

SCHEDULE OF CLASSES (INTERIOR)
ROOM CLASSES: 1-12, 13-24, 25-36, 37-48, 49-60, 61-72, 73-84, 85-96, 97-108, 109-120, 121-132, 133-144, 145-156, 157-168, 169-180, 181-192, 193-204, 205-216, 217-228, 229-240, 241-252, 253-264, 265-276, 277-288, 289-300, 301-312, 313-324, 325-336, 337-348, 349-360, 361-372, 373-384, 385-396, 397-408, 409-420, 421-432, 433-444, 445-456, 457-468, 469-480, 481-492, 493-504, 505-516, 517-528, 529-540, 541-552, 553-564, 565-576, 577-588, 589-600, 601-612, 613-624, 625-636, 637-648, 649-660, 661-672, 673-684, 685-696, 697-708, 709-720, 721-732, 733-744, 745-756, 757-768, 769-780, 781-792, 793-804, 805-816, 817-828, 829-840, 841-852, 853-864, 865-876, 877-888, 889-900, 901-912, 913-924, 925-936, 937-948, 949-960, 961-972, 973-984, 985-996, 997-1008, 1009-1020, 1021-1032, 1033-1044, 1045-1056, 1057-1068, 1069-1080, 1081-1092, 1093-1104, 1105-1116, 1117-1128, 1129-1140, 1141-1152, 1153-1164, 1165-1176, 1177-1188, 1189-1200, 1201-1212, 1213-1224, 1225-1236, 1237-1248, 1249-1260, 1261-1272, 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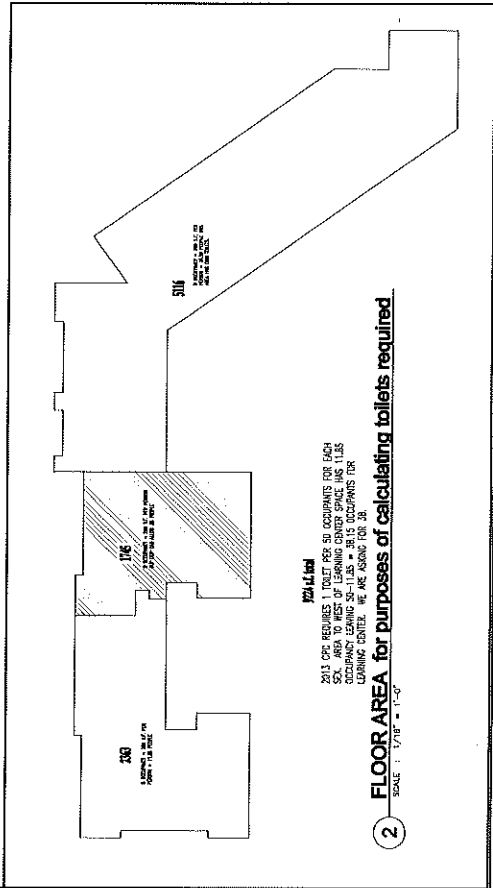


1 OVERALL GROUND FLOOR PLAN OF BUILDING
 SCALE: 1/8" = 1'-0"

9224 sq. total

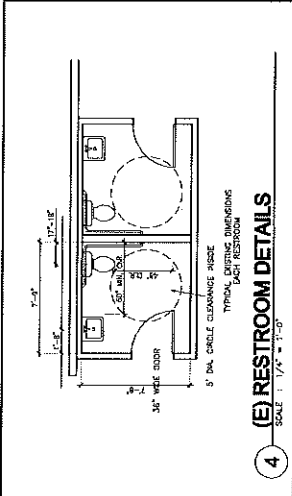


2 AREA OF LEARNING CENTER (HATCHED)
 SCALE: 1/8" = 1'-0"



3 FLOOR AREA for purposes of calculating toilets required
 SCALE: 1/8" = 1'-0"

2011 CSCS REQUIRE 1 TOILET FOR 650 OCCUPANTS FOR EACH 50% AREA TO WEST OF LEARNING CENTER SPACE HAS 11.33 OCCUPANTS LEARNING 50-1,145 = 38.16 OCCUPANTS FOR LEARNING CENTER. WE ARE ASKING FOR 38.



4 (E) RESTROOM DETAILS
 SCALE: 1/4" = 1'-0"

TUTORING RM 101	-	5
TUTORING RM 102	-	4
TUTORING RM 103	-	4
TUTORING RM 104	-	2
TUTORING RM 105	-	2
TUTORING RM 106	-	2
TUTORING RM 107	-	2
TUTORING RM 108	-	2
TUTORING RM 109	-	2
TUTORING RM 110	-	2
TUTORING RM 111	-	2
TUTORING RM 112	-	2
TUTORING RM 113	-	2
TUTORING RM 114	-	2
TUTORING RM 115	-	2
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TUTORING RM 196	-	2
TUTORING RM 197	-	2
TUTORING RM 198	-	2
TUTORING RM 199	-	2
TUTORING RM 200	-	2

32/16 = 5.13 (ROUNDED UP) = 11.33 SPACES
 REQUIRED (INCLUDES ADA) ROUNDED TO 12
 SPACES REQUIRED
 1145 sq. ft./259 = 6.7 SPACES/ABOVE
 NEED 13 TOTAL SPACES (See Parking Study
 by KGA Engineering)

5 OCCUPANCY TOTALS LEARNING CNTR.
 SCALE: 1/4" = 1'-0"

RESOLUTION NO. 5856-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-066-2016 FOR PROPERTY LOCATED AT 12755 BROOKHURST STREET, ASSESSOR'S PARCEL NO. 089-661-06.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove in a regular session assembled on July 7, 2016, hereby approves Conditional Use Permit No. CUP-066-2016 to permit operation of a private enterprise after-school tutoring facility for a property located on the south side of Stanford Avenue, with street frontages along Brookhurst Way, Brookhurst Street, and Stanford Avenue, at 12755 Brookhurst Street, Assessor's Parcel No. 089-661-06.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-066-2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Karie Barker for School First Learning Center.
2. The applicant is requesting Conditional Use Permit (CUP) approval to allow the operation of a new private enterprise after-school tutoring center, School First Learning Center, which will tutor children from grades first (1st) through twelfth (12th), with a maximum occupancy of thirty-eight (38) persons, in an approximately 1,745 square foot tenant space located at 12755 Brookhurst Street.
3. The City of Garden Grove has determined that this project is not subject to the California Environmental Quality Act ("CEQA") (Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15301 – Existing Facilities of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.).
4. The property has a General Plan Land Use Designation of Residential and Commercial Mixed Use 1, and is zoned GGMU1 (Garden Grove Mixed Use 1). The subject property for the proposed private enterprise after-school tutoring center is improved with an existing professional multi-tenant commercial center.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on July 7, 2016, 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 July 7, 2016, 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 (Conditional Use Permits), are as follows:

FACTS:

The subject property is zoned GGMU1 (Garden Grove Mixed Use 1), and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 1. The property is surrounded by GGMU2 (Garden Grove Mixed Use 2) properties to the east, across Brookhurst Street, a PUD-123-09 zoned property to the south, and R-3 (Multiple-Family Residential) and C-1 (Neighborhood Commercial) zoned properties to the west, across Brookhurst Way, and C-1 (Neighborhood Commercial) zoned properties to the north, across Stanford Avenue.

The applicant currently operates a small-scale, after-school tutoring business with maximum of fifteen (15) students located at 12112 Brookhurst Street. The applicant made the business decision to expand and retain the tutoring business in the City of Garden Grove.

The City classifies after-school tutoring business with more than fifteen (15) students as educational institutions, which are permitted in the GGMU1 zone subject to the approval of a Conditional Use Permit.

The applicant, School First Learning Center, proposes to operate the new private enterprise after-school tutoring center, tutoring children from grades first (1st) through twelfth (12th), with a focus on homework, reading, writing, and math skills development. The maximum number of occupants within the proposed tenant space at any one time will be thirty-eight (38) persons pursuant to the 2013 California Building and Plumbing Code. The business plan has indicated that there will be up to thirty-two (32) children and six (6) employees at any one time in the facility. School First Learning Center will operate from 3:00 p.m. to 7:00 p.m., Monday through Friday and 9:30 a.m. to 12:00 p.m. on Saturdays. The maximum stay of any student in the establishment will be four (4) hours per day. Title 9 of the City's Municipal Code parks private school elementary to high school use at a rate of one (1) parking space per each employee and one (1) parking space for every six (6) students, based on this rate and the business plan, twelve (12) spaces are required.

A parking study ("Study") was prepared to verify that there would be sufficient on-site parking to accommodate all current and proposed uses on the subject site. The Study was drafted by KOA Corporation, a planning and engineering firm, which conducted field observations and parking demand surveys, and determined that the subject site would have sufficient parking for all uses, plus a surplus of at least fifteen (15) parking spaces during peak use. The results of the Study are summarized in the table below:

Maximum Observed Parking Demand	24
Proposed Project Parking Demand Increase	16
Parking Demand for Vacant Uses when Occupied	5
15% Turnover Factor	7
Forecast Parking Demand	52
Existing On-Site Parking Study	67
Parking Supply Surplus/Deficit with Proposed Project	15

The Community and Economic Development Department has reviewed the request and is in support of the proposal. All standard conditions of approval for an after-school tutoring business will apply.

FINDINGS AND REASONS:

1. The proposed use will be consistent with the City’s adopted General Plan and redevelopment plan.

The subject property has a General Plan Land Use Designation of Residential and Commercial Mixed Use 1, which is intended to provide for a mix of higher density residential and commercial uses. Policy LU-6.2 of the General Plan Land Use Element seeks to encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of area’s present and potential clientele. Policy ED-2.2 of the General Plan Economic Development Element seeks to continue to enhance programs, which work toward retaining and expanding businesses in Garden Grove. Tutoring centers with more than 15 students are a conditionally permitted educational institution use in the GGMU1 (Garden Grove Mixed Use 1) zone. Granting of the requested Conditional Use Permit will be consistent with the General Plan because the proposed tutoring center is a commercial use of the type permitted within the Residential and Commercial Mixed Use 1 land use area, will meet the needs of the area’s clientele, and will enable an existing Garden Grove business to remain and expand in the City.

2. The requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The proposed tutoring center will only operate from 3:00 p.m. to 7:00 p.m., Monday through Friday and 9:30 a.m. to 12:00 p.m. on Saturdays, and there is more than sufficient parking to accommodate the use at the proposed location. All standard conditions of approval for tutoring centers will apply and will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

3. That the proposed property is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The proposed tutoring center will be located in an approximately 1,745 square foot tenant space within an existing commercial building, and no interior or exterior modifications to the subject site are contemplated as part of the proposal. The subject property for the existing tenant space is improved with a professional multi-tenant business center with 67 parking spaces. Title 9 of the City's Municipal Code parks private school elementary to high school uses at a rate of one (1) parking space per each employee and one (1) parking space for every six (6) students, and based on this rate and the applicant's business plan, twelve (12) spaces are required. A parking study ("Study") was prepared to verify that there would be sufficient on-site parking to accommodate all current and proposed uses on the subject site. The Study was drafted by KOA Corporation, a planning and engineering firm, which conducted field observations and parking demand surveys, and determined that the subject site would have sufficient parking for all uses, plus a surplus of at least fifteen (15) parking spaces during peak use.

Thus, the site, with the existing site improvements, is of adequate size and shape to accommodate the proposed new tutoring center, and no additional modifications are necessary to integrate the tutoring center with other uses within the surrounding area.

4. The proposed site is adequately served by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The site is adequately served by two (2) main driveways. One (1) driveway is located on Brookhurst Street, providing both ingress and egress, and one (1) driveway is located on Brookhurst Way providing both ingress and egress. The

site is also adequately served by the public service facilities required, such as gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Conditional Use Permit No. CUP-066-2016 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-066-2016.

EXHIBIT "A"

Conditional Use Permit No. CUP-066-2016

12755 Brookhurst Street

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within thirty (30) days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term (the "Applicant") shall mean and refer to the project applicant, Karie Barker for School First Learning Center, the current owner(s) of the property, the future owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 1,745 square foot private enterprise after-school tutoring center as identified on the site plan and floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

5. All conditions of approval shall be implemented at the Applicant's expense, except where specified in the individual condition.

Fire Department

6. The Applicant shall comply with all requirements of the Fire Department for all life safety issues. This includes, but is not limited to, ensuring that proper exiting is provided and maintained at all times.

Police Department

7. That there shall be no customers or patrons in or about the premises when the establishment is closed.
8. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMA 1.22.010(a) in addition to other penalties provided by law.

Building Services Division

9. Any building modifications shall comply with all provisions to the California Building Code Standards, City adopted amendments and California Plumbing and Electrical Code.

Community Development Department

10. This approval shall allow the operation of a private enterprise after-school tutoring center. There shall be no additional uses, activities, or changes in operation, or expansion of the use without first obtaining approval by the City through the appropriate process.
11. The private enterprise after-school tutoring center shall be permitted and licensed for a maximum occupancy of thirty-eight (38) persons on the property at any one time pursuant to the 2013 California Building and Plumbing Code and the number of toilets needed for specified floor area. The business plan has indicated that there will be thirty-two (32) children and six (6) employees at any one-time in the facility.
12. The use shall meet all requirements of the California Building Standards Code for "B" occupancy. Should there be a change of occupancy, the applicant shall submit plans to the Building Division be prepared by a licensed architect.

13. The permitted hours of operation for the private enterprise after-school tutoring center shall be from 3:00 p.m. to 7:00 p.m., Monday through Friday and 9:30 a.m. to 12:00 p.m. on Saturdays. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
14. All activities associated with the private enterprise after-school tutoring center shall be conducted within the fully enclosed building.
15. All children shall remain under the supervision of the operator or staff at all times, and shall not be permitted to wander or freely roam outside the building, except within the private enterprise after-school tutoring center.
16. At no time shall there be any outside play or waiting area. An area within the tenant space may be used for play or waiting purposes, but only incidental to the private enterprise after school tutoring center.
17. An enrolled student/child may stay at the establishment for no more than four (4) hours per day.
18. All children shall remain inside the building during trash pick-up.
19. At no time shall the establishment operate as a church, religious facility, or child daycare.
20. Based on the maximum capacity of thirty-eight (38) persons, thirty-two (32) children and six (6) employees, a total of twelve (12) on-site parking spaces shall be available on the property for the operation of the private enterprise after-school tutoring center. The parking spaces shall be available at all times for employee(s) and client parking.
21. In the event the site cannot accommodate the parking demand for School First Learning Center, at any given time, which causes a nuisance, hindrance, and/or problem with both on-site and/or off-site parking and circulation, the Applicant and property owner shall devise and implement a plan to relieve the situation. The Applicant and property owner shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation; staggering class times; instituting an off-site parking arrangement; having on-site parking control personnel; and/or other alternatives 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 thirty (30) days of written notice. Failure to take appropriate action may result in the City restricting the overall use of the facility or revoking Conditional Use Permit No. CUP-066-2016.
22. All child drop-off and pick-up shall occur on-site, and shall not occur within the public right-of-way along Stanford Avenue, Brookhurst Way, or Brookhurst Street.
 23. The Applicant shall prepare a parking and circulation plan, acceptable to the Community and Economic Development Department for the after-school tutoring center, that is available for parents. The plan shall identify the on-site circulation pattern for all vehicles. The plan shall identify the drive aisle located along Brookhurst Way and Brookhurst Street as the main entrance and exit driveways. A copy of the parking and circulation plan shall be submitted to the Planning Division within thirty (30)-days from the date of this approval.
 24. In the event traffic, circulation and/or parking problems develop at the site due to the operation of the private enterprise after-school tutoring center, as determined by the City Traffic Engineer or the Community and Economic Development Department, the Applicant shall develop a plan to mitigate the identified issue(s). The Applicant shall submit a plan for review and approval by the City Traffic Engineer and/or the Community and Economic Development Department. This plan may include a variety of solutions to be managed by the administration of the applicant.
 25. There shall be no smoking permitted inside the licensed business at any time pursuant to State Labor Code Section 6404.5 (ref: State Law AB 13).
 26. 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 and the public. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background.
 27. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
 28. No outside storage or displays shall be permitted at any time.
 29. The Applicant and property owner shall be responsible for maintaining free from debris and litter daily from the licensed premises, including adjacent to

- the licensed premises, public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned continuously, either mechanically or manually, on a weekly basis, to maintain the said area in a clean and orderly condition.
30. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least once per week. However, if additional pick-ups are needed to accommodate the uses on the site, the property owner shall increase the number of pick-ups as required.
 31. The Applicant and property owner shall be responsible for maintaining the licensed premises, including the parking lot, landscaped area, walkways, and paved surfaces, free from graffiti, debris, and litter. Graffiti shall be removed from the project site and all parking lots under the control of the applicant within 120 hours of notification.
 32. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 33. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
 34. All ground-mounted mechanical equipment shall be screened from view from any place on or off the site.
 35. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
 36. All signs shall comply with the City of Garden Grove sign requirements. No more than fifteen percent (15%) of the total window area and clear doors shall bear advertising or signs of any sort. Any opaque material applied to the store front, such as on a window, shall count toward the maximum window coverage area. Any modifications to existing signs or the installation of new signs, ground or wall signs, shall require approval by the Community and

Economic Development Department, Planning Services Division prior to issuance of a building permit.

37. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
38. The Applicant and property owner shall be responsible for all parking lot areas of the licensed premises and ensure that the provided lighting be of sufficient power and in working order to illuminate and make easily discernible the appearance and conduct of all persons on or about all parking lot areas.
39. All lighting in the parking lot areas of the licensed premises shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences.
40. All parking lot light standard poles and heads designated to the licensed premises shall be painted and maintained.
41. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by the approval of Conditional Use Permit No. CUP-066-2016.
42. A copy of the Resolution No. 5856-16 approving Conditional Use Permit No. CUP-066-2016 shall be kept on the licensed premises at all times and be made available upon request by City Staff and/or Police Department.
43. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-066-2016, and his/her agreement with all conditions of the approval.
44. The Conditional Use Permit shall be reviewed within one (1) year from the date of this approval. On a yearly basis, as determined by Staff, the business operator shall meet with members of the Planning Department and Police Department to discuss operating conditions of the business and to determine if the business is operating in compliance with the Conditions of Approval.
45. 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 Conditional Use Permit No. CUP-066-2016. 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. Notwithstanding the foregoing, in the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, the applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.