

RESOLUTION NO. 5029

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-467-99 FOR LAND LOCATED ON THE EAST SIDE OF VALLEY VIEW STREET, SOUTH OF CHAPMAN AVENUE, AT 12062 VALLEY VIEW STREET, SUITE 108, PARCEL NUMBER 224-251-06.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 18, 1999, does hereby approve Conditional Use Permit No. CUP-467-99.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-467-99, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Dr. Raghbir Singh.
2. The applicant is requesting approval of a Conditional Use Permit in order to operate a medical career college in an existing office building.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Light Commercial and is zoned C2 (Community Commercial). The site is improved with an existing two story, multi-tenant office building.
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 August 18, 1999, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter at its meeting on August 18, 1999, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, are as follows:

FACTS:

Trade schools are a conditionally permitted use in the C2 (Community Commercial) zone.

The site is an approximately 187,150 square foot lot, improved with an approximately 68,785 square foot, two story, office building.

The applicant, Dr. Raghbir Singh, is a licensed Doctor by the State of California.

FINDINGS AND REASONS:

1. Provided the recommended conditions of approval are complied with, the medical career College will be consistent with the General Plan. The proposed trade school is a conditionally permitted use in the C2 zone and complies with all applicable code provisions, thus making it consistent with the General Plan.
2. The trade school will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area. Provided the conditions of approval are adhered to for the life of the project, the trade school will be harmonious with the persons who work and live within the area.
3. The trade school will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site. Provided the conditions of approval are adhered to for the life of the project, the use will be compatible with the surrounding area.
4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Provided the conditions of approval are adhered to for the life of the project, the use will be compatible with the surrounding area.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing the 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 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030 (Conditional Use Permits).

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 shall apply to Conditional Use permit No. CUP-467-99:

CONDITIONS OF APPROVAL:

- A. 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 Garden Grove Municipal Code shall apply.
- B. All modifications shall be submitted to the Planning Commission. If other than minor changes are proposed, a new Conditional Use Permit, containing all proposed revisions, shall be required.
- C. The approved floor plan is an integral part of the decision approving this Conditional Use Permit. There shall be no change in the design of the floor plan without the approval of the Community Development Department. Any change in the approved floor plan which has the effect of expanding or intensifying the present use shall require a new Conditional Use Permit.
- D. Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under control of the applicant/property owner, whose ever jurisdiction the litter exists. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
- E. The applicant/property owner shall be responsible for providing adequate parking area lighting in compliance with the City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate adjacent properties.
- F. In the event security problems occur and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
- G. The licensee/owner shall provide sufficient trash bins to accommodate the use. All trash bins shall be kept inside of the trash enclosure and gates kept closed and secured except during disposal and pickup. Trash pickup shall be least three (3) times a week.
- H. A backflow prevention device shall be required on water service. Installation to be per City Standards and shall be inspected by a cross connection specialist after installation. Device to be tested immediately after installation and once a year by a certified backflow device tester and the results to be submitted to Public Works, Utilities Services Division.
- I. Graffiti shall be removed from all areas, including adjacent public sidewalks and parking lots with in 120 hours of application by the applicant/property owner, whose ever jurisdiction the graffiti is applied.

- J. All requirements of the State of California and County of Orange Health Departments shall be adhered to.
- K. Any type of materials used in the instruction, operation, and/or activities occurring on the premises which are considered to be hazardous, shall be approved by the necessary departments, such as, the City of Garden Grove Fire Department, the County of Orange Environmental Health Agency, etc. The use of such material shall require proper storage and proper disposal. Failure to do so can result in the revocation of this CUP.
- L. The hours of operation of the trade school shall be limited to 9:00 a.m. till 9:00 p.m., six (6) days a week (Monday though Saturday).
- M. No alcoholic beverages shall be consumed or served on the premises.
- N. There shall be no uses or activities permitted of an adult-oriented nature as outlined in the City of Garden Grove Municipal Code Section 9.08.070.
- O. Any construction shall comply with the current editions of the U.B.C., U.P.C., U.M.C., and N.E.C. as amended by the City of Garden Grove and State of California including, but not limited to, handicap access, energy conservation, and sound transmission control requirements. All building permits shall be obtained prior to the commencement of construction.
- P. All pay phones outside the building shall allow outgoing calls only. Any existing pay phones must be modified within 30 days of the effective date of this resolution.
- Q. The applicant/operator of the trade school is advised that the establishment is subject to the provisions of State Law AB 13, which prohibits smoking inside the establishments as of January 1, 1995.
- R. A copy of this resolution approving Conditional Use Permit No. CUP-467-99 shall be kept on the premises at all time.
- S. This Conditional Use Permit shall be reviewed annually from the date of approval. This Conditional Use Permit may be called for review by city staff, the City Council, Planning Commission, and/or Neighborhood Improvement and Conservation Commission, if complaints are filed and verified as valid by the Code Enforcement office or other city department concerning the violation of the approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
- T. The applicant shall apply for review of this Conditional Use Permit in three (3) years from the date of the resolution's approval and conditions may be added and/or modified at that time.

U. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-467-99, and his/her agreement with all conditions of the approval.

ADOPTED this 18th day of August 1999.

/s/ EARL HUTCHINSON
CHAIRMAN

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 August 18, 1999, by the following votes:

AYES:	COMMISSIONERS:	HUTCHINSON, FREZE, BUTTERFIELD, JONES, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BARRY, OH

/s/ TERESA POMEROY
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is September 8, 1999.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: c.1.	SITE LOCATION: East side of Valley View Street, south of Chapman Avenue, at 12062 Valley View Street, Ste. 108.
HEARING DATE: August 18, 1999	GENERAL PLAN: Light Commercial
CASE NO.: Conditional Use Permit No. CUP-467-99	ZONE: C2 (Community Commercial)
APPLICANT: Dr. Raghbir Singh	
OWNER: Atrium Properties, LLC	CEQA DETERMINATION: Exempt

REQUEST:

The applicant is requesting Conditional Use Permit approval to operate an approximately 2,530 square foot Medical Career College in an existing office building.

BACKGROUND:

The subject site is improved with a two story, multi tenant, office building. The site is currently being renovated, including improving the parking and landscaping. Uses in the office building include both professional and medical offices.

The City of Garden Grove Municipal Code Section 9.08.030 (permitted uses) requires a Conditional Use Permit prior to the commencement of any instruction.

DISCUSSION:

The applicant is a licensed doctor in the State of California, who wishes to operate a Medical Career College. Students of the college will be taught through lectures, demonstrations, and hands-on labs for careers as front and back office medical assistants, and ultrasound technicians. Students may elect to complete the curriculum by attending for five hours a day, 5 days a week, for a time period of four to six months; or four hours a day, four days a week, for a time period of six to twelve months.

The applicant is proposing to operate the school from 9:00 a.m. to 9:00 p.m. Monday through Saturday. The trade school consist of three classrooms, an ultrasound lab, a medical lab, and office space.

Due to trade schools requiring a higher amount of parking than offices, a parking calculation was completed to ensure there is sufficient on-site parking. The parking

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calculations looked at the parking ratio for general offices, medical offices, and the trade school. The calculations show the site, when the trade school is opened, requires 269 spaces. After the renovations to the parking lot are completed, the number of on-site parking spaces will be 281.

Conditions on the project include, but are not limited to: a backflow prevention device installed on water service; litter to be removed daily from the premises; graffiti to be removed from the site within 120 hours of application; State and County health regulations to be adhered to; no alcohol or adult-oriented activities permitted; and all pay phones restricted to outgoing calls only.

The site has sufficient parking, trash enclosures, and landscaping. There are no site improvements required for the center in relation to the operation of this trade school.

RECOMMENDATION:

Staff is recommending that the Planning Commission approve Conditional Use Permit No. CUP-467-99, subject to the recommended conditions of approval.

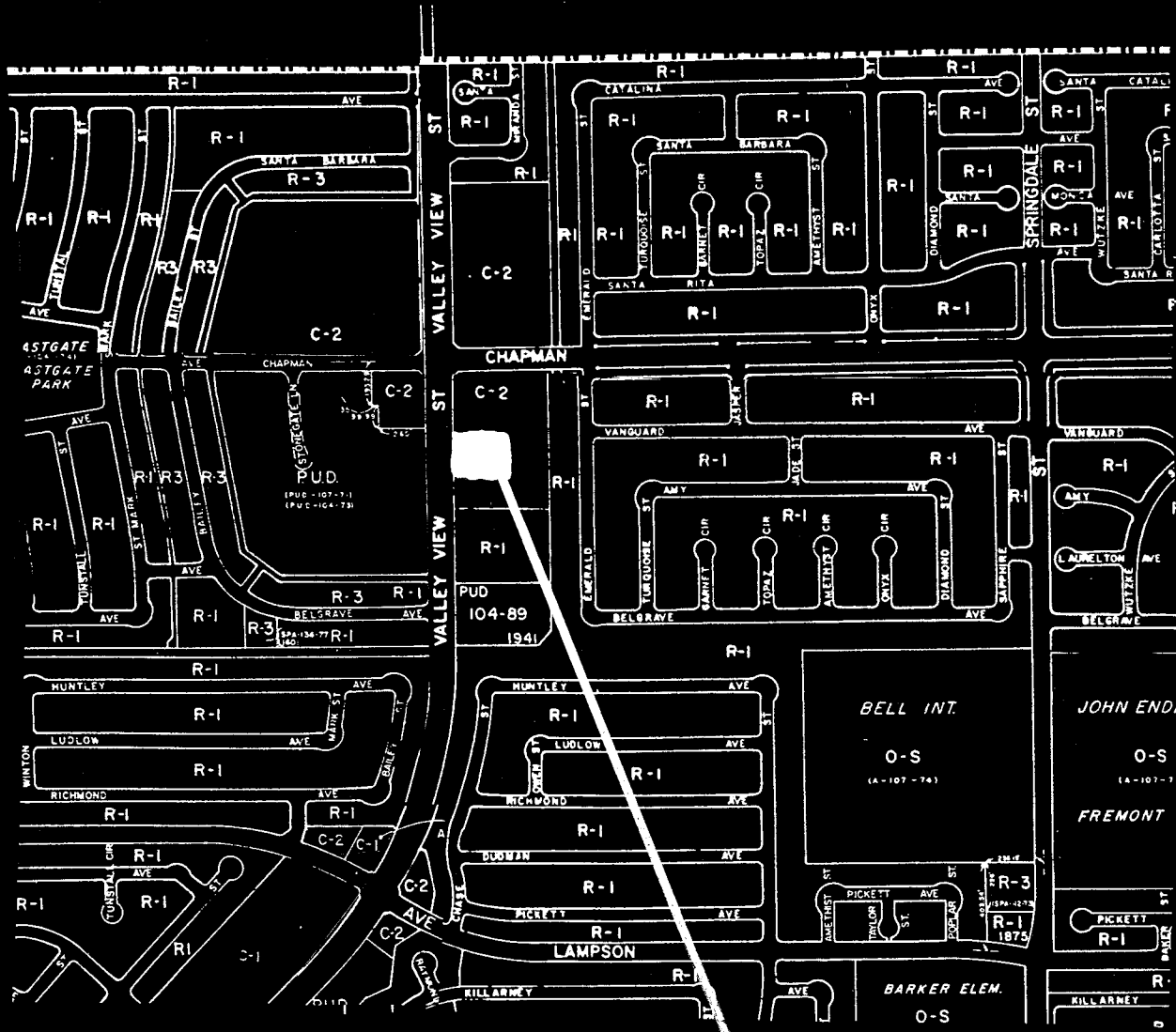
MILLIE J. SUMMERLIN
Planning Services Manager


By: Dave Blumenthal
Assistant Planner

VICINITY MAP



SCALE 1" = 1000'



Subject Site