

RESOLUTION NO. 5895-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-108-2017 FOR PROPERTY LOCATED AT 11277 GARDEN GROVE BOULEVARD, SUITE NOS. 200 AND 203, ASSESSOR'S PARCEL NO. 090-171-35.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove in a regular session assembled on September 7, 2017, hereby approves Conditional Use Permit No. CUP-108-2017 to permit operation of an educational institution for a property located on the north side of Garden Grove Boulevard, east of Euclid Street, at 11277 Garden Grove Boulevard, Assessor's Parcel No. 090-171-35.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-108-2017, the Planning Commission of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by American Heritage College.
2. The applicant is requesting Conditional Use Permit approval to allow the operation an adult private educational institution, American Heritage College, for twelve (12) full-time employees/ instructors and up to a maximum of twenty-one (21) students, in an existing approximately 4,416 square foot tenant space, located at 11277 Garden Grove Boulevard, Suite Nos. 200 and 203.
3. The 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 Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The subject property for the proposed adult private educational institution is improved with an existing two-story 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 September 7, 2017, 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 September 7, 2017, 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 CC-3 (Civic Center Core), and has a General Plan Land Use Designation of Civic Center Mixed Use. The property abuts CC-3 (Civic Center Core) zoned properties to the north and west, CC-1 (Civic Center East) zoned property to the east, across Civic Center Drive, and CCSP-PR46 (Civic Center Specific Plan Peripheral Residential 46) zoned property to the south, across Garden Grove Boulevard.

Small-scale educational businesses are typically permitted in the mixed use zones with the following restrictions: (i) a maximum of fifteen (15) students in the establishment at any one time; and (ii) each student is allowed a maximum stay of four (4) hours in the establishment per day. An educational business which exceeds the maximum fifteen (15) student threshold classifies as an "educational institution" use, and requires the approval of a Conditional Use Permit. The Conditional Use Permit ensures there are no negative impacts to surroundings uses from potential issues such as, but not limited to, parking, littering, and loitering.

An educational institution is a permitted use in the CC-3 zone, subject to the approval of a Conditional Use Permit. Thus, the applicant has submitted a request for Conditional Use Permit approval to allow the operation of an educational institution.

The Municipal Code defines an "educational institution" use as a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education.

Per the applicant's submitted business proposal, American Heritage College will operate as an adult private educational institution, with a particular focus on preparing professionals with a practicable, accessible skills-enhancing program. The hours of operation will be from 9:00 a.m. to 9:00 p.m., Monday through Friday. The class sessions will be between 9:00 a.m. to 2:00 p.m. and 6:00 p.m. to 9:00 p.m. The staff will consist of twelve (12) full-time employees/ instructors and up to a maximum of twenty-one (21) students.

The Community and Economic Development Department has reviewed the request and is in support of the proposal. All standard conditions of approval for a private enterprise education institution 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 site has a General Plan Land Use Designation of Civic Center Mixed Use, which is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. Policy LU-IMP-10A of the General Plan Land Use Element seeks to link the City Hall with other civic or institutional uses across Acacia Parkway so that the centrality of government services is retained in the Civic Center area. Policy LU-IMP-10D of the General Plan Land Use Element seeks to maximize the opportunities offered by higher educational institutions to be located in the Civic Center area.

Educational institutions with more than 15 students are a conditionally permitted educational institution use in the CC-3 (Civic Center Core). Granting of the requested Conditional Use Permit will be consistent with the General Plan because the proposed educational institution is a commercial use of the type permitted within the Civic Center Mixed Use land use area, the use will meet the needs of the area's clientele, and the use will enable an existing Garden Grove business to remain 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 educational institution will operate from 9:00 a.m. to 9:00 p.m., Monday through Friday, and there is more than sufficient parking to accommodate the use at the proposed location. All standard conditions of approval for educational institution 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 adult private educational institution will be located in an approximately 4,416 square foot tenant space within an existing office building. The proposed request will require the applicant to modify the vanity tops in the second floor men's and women's restrooms vanity top to be accessible, install an accessible drinking fountain in the common hallway, and modify the first floor front entry that leads directly to the second floor to be accessible.

The subject property for the existing tenant space is improved with an office building with 159 parking spaces. The previously number of parking stalls were 141 spaces. Title 9 of the City's Municipal Code parks educational institution uses at a rate of one (1) parking space for every employee and one (1) parking space for every three (3) students. Based on this rate and the applicant's business plan, a total of nineteen (19) parking spaces, minimum, are required for the proposed educational institution. The following is a required parking table for all the proposed uses:

SUITE NUMBER(S)	USE	SQUARE FEET	CODE PARKING RATIO	CODE REQUIRED PARKING
100	Medical	6380	1 per 170 sf	37.53
101	Medical	5826	1 per 170 sf	34.27
102	Medical	3563	1 per 170 sf	20.96
200 & 203	Educational	4416	1 per Employee 1 every 3 Students	12.00 7.00
201 & 202	Educational	9943	1 per Employee 1 every 3 Students	17.00 19.33
TOTAL CODE REQUIRED PARKING SPACES				148.09 or 149
TOTAL CURRENT PARKING SPACES				159
TOTAL EXTRA PARKING SPACES				10

Therefore, Staff finds there to be sufficient parking to accommodate the proposed educational institution, with no negative impacts to existing parking conditions. The conditions of approval for the subject project state that in the event there are any parking or traffic circulation issues caused by the subject proposed business, the applicant shall prepare a parking/ traffic mitigation plan to the satisfaction of the City.

Thus, the site, with the existing site improvements, is of adequate size and shape to accommodate the proposed educational institution, and no additional modifications are necessary to integrate the adult private educational institution 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 three (3) main driveways. One (1) driveway is located on Garden Grove Boulevard, providing both ingress and egress, and two (2) driveways are located on Civic Center Drive 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-108-2017 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-108-2017.