

RESOLUTION NO. 6037-22

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING A ONE-YEAR TIME EXTENSION FOR SITE PLAN NO. SP-091-2020 (REFERRED TO AS SP-091-2020TE1).

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on January 20, 2022, does hereby approve a one (1) year time extension for the entitlements approved under Site Plan No. SP-091-2020, for land located on the southwest corner of Trask Avenue and Brookhurst Street, at 9898 Trask Avenue, Assessor's Parcel No. 098-090-57 and 098-090-58.

BE IT FURTHER RESOLVED in the matter of the time extension for Site Plan No. SP-091-2020TE1, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by BTAA Property Investment VII, LLC.
2. The applicant is requesting approval of a one (1) year time extension for the approved entitlement Site Plan No. SP-091-2020. The Site Plan approved a 500 square foot building addition, a new 709 square foot vehicle pick-up canopy, and the conversion of an existing covered service area into an indoor service area for the existing Hyundai of Garden Grove car dealership.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove previously determined that the proposed project was categorically exempt from the CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Regs., Section 15301).
4. The property has a General Plan Land Use designation of Heavy Commercial, and is currently zoned Planned Unit Development No. PUD-110-96. The subject property is currently a 2.46-acre new car dealership located on the southwest corner of Trask Avenue and Brookhurst Street.
5. Existing land use, zoning, and General Plan designation of property in 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 January 20, 2022, 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 January 20, 2022; 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.D.9, are as follows:

FACTS:

The property is an approximately 2.46-acre new car dealership located on the southwest corner of Trask Avenue and Brookhurst Street, at 9898 Trask Avenue. The property has a General Plan Land Use Designation of Heavy Commercial and is zoned Planned Unit Development No. PUD-110-96. The site has been used as a car dealership since 1995.

The property is located in the Garden Grove Auto Center area. To the north, across Trask Avenue, the property is adjacent to R-1 (Single-Family Residential), and O-S (Open Space) zoned properties. To the east, across Brookhurst Street, the subject property is adjacent to Planned Unit Development No. PUD-110-96 zoned properties, also improved with car dealerships. To the south, the subject property is adjacent to State Highway 22. To the west, the subject property is adjacent to car dealerships zoned Planned Unit Development PUD-103-82.

On November 20, 2020, the Planning Commission approved Site Plan No. SP-091-2020, with four (4) yes votes, and two (2) absent. The Site Plan approval allowed a 500 square foot building addition, a new 709 square foot vehicle pick-up canopy, and the conversion of an existing covered service area into an indoor service area for the existing Hyundai of Garden Grove car dealership.

The approved entitlements went into effect on November 26, 2020, with an expiration date of November 26, 2021. In accordance with the Municipal Code, and because the approved entitlements were not yet exercised, the applicant is now requesting a one-year time extension for the previously approved entitlements. No changes are proposed to the previously approved project.

FINDINGS AND REASONS:Time Extension:

1. A request for a time extension, including the reasons therefore, has been submitted prior to the permit expiration date, or the hearing body finds that due to special circumstances demonstrated by the property owner or the applicant, a late-filed request should be considered.

The applicant submitted a timely request to extend the Site Plan approval of the subject project for one (1) year, prior to the entitlement expiration date of November 26, 2021. The applicant has indicated that additional time will be necessary to complete the project, as there have been unexpected delays related to the COVID-19 pandemic. The applicant expects to have all permits issued within the next year.

2. There has been no change in the General Plan designation or Zoning of the site that would render the development or use nonconforming.

The subject site’s General Plan Land Use Designation, Heavy Commercial, and the zone, Planned Unit Development No. PUD-110-96, have not changed since the original approval in November of 2020. Therefore, the development will not be rendered nonconforming.

- 3. There are no land use actions or studies currently underway that would have the potential to render the development or use nonconforming.

There are no known studies or actions that would affect the site or proposed development that would possibly render the development nonconforming.

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 Time Extension for the approved Site Plan do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030.D.9 (Time Extension).
- 2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the originally approved conditions of approval for Site Plan No. SP-091-2020 shall remain in effect.

Adopted this 20th day of January 2022

ATTEST: /s/ JOSH LINDSAY
VICE CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on January 20, 2022, by the following vote:

AYES: COMMISSIONERS: (5) ARESTEGUI, CUNNINGHAM, LINDSAY,
RAMIREZ, SOEFFNER

NOES: COMMISSIONERS: (0) NONE

ABSENT: COMMISSIONERS: (2) LEHMAN, PEREZ

/s/ JUDITH MOORE
RECORDING 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 February 10, 2022.