

# **PC ATTACHMENT 1**

**RESOLUTION NO. PC 2024-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING USE PERMIT 08-24-5725 TO ESTABLISH A 33,565 SQUARE-FOOT INDOOR COMMERCIAL RECREATION USE (PICKLEBALL HAVEN) IN AN EXISTING BUILDING AT 25871 ATLANTIC OCEAN DRIVE, LAKE FOREST, CALIFORNIA.**

WHEREAS, on August 14, 2024, Adam Go – The Pickleball Haven, filed an application for a use permit to operate a 33,565 square-foot indoor commercial recreation use (pickleball) in an existing building at 25871 Atlantic Ocean Drive, Lake Forest, CA; and

WHEREAS, the property is zoned *Pacific Commercentre Planned Community – Light Industrial*, and is regulated by the Lake Forest Municipal Code ("LFMC"), which permits indoor commercial recreation uses in Industrial zones subject to approval of a Use Permit application; and

WHEREAS, the Director of Community Development has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, *Categorical Exemptions*, Sec. 15301, Class 1: *Existing Facilities*, of the CEQA Guidelines; and

WHEREAS, on September 19, 2024, the City gave notice of a Planning Commission public hearing by advertisement in a newspaper of general circulation, and on September 19, 2024, the City mailed notices to owners of all properties located within 300 feet of the project site; and

WHEREAS, on October 3, 2024, the Planning Commission conducted a duly noticed public hearing to consider Use Permit 08-24-5725 for an indoor commercial recreation use (pickleball) at 25871 Atlantic Ocean Drive, at which interested persons had an opportunity to testify in support of, or opposition to, the request, and at which the Planning Commission considered the application; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS. The Lake Forest Planning Commission hereby finds, based on consideration of the whole record before it, as follows:

1. General Plan Consistency: The use or project proposed is consistent with the General Plan.

*The project site is designated Light Industrial on the General Plan Land Use Map. This designation provides for a variety of light industrial uses that are nonpolluting and which can co-exist with surrounding land uses and which do not in their maintenance, assembly, manufacturing or operations create smoke, gas, dust, noise, vibration, soot or glare which might be obnoxious or offensive to persons residing or conducting business in the City. Allowable uses include wholesale businesses, light manufacturing and processing, research and development uses, warehousing and storage, distribution and sales, high technology production, ancillary retail sales and related uses. Other uses that are determined to be compatible with the primary uses may also be allowed. In this case, the proposed use is deemed compatible with primary uses that may be allowed. Furthermore, approval of the proposed use is consistent with General Plan Policy HW-2.1: Support healthy lifestyles among residents by increasing opportunities for a variety of regular physical activities for people of all ages. Accordingly, the proposed indoor commercial recreation use is consistent with the General Plan.*

2. Zoning Code: The use, activity, or improvement(s) proposed by the application is consistent with the provisions of the Zoning Code.

*The project site is located within the Pacific Commercentre Planned Community (PCPC) – Light Industrial zone. Indoor commercial recreation uses are permitted in this zone with approval of a Use Permit, pursuant to LPMC Section 9.72.090(A). The use, as conditioned, also complies with all other applicable land use regulations including, but not limited to, off-street parking requirements and hours of operation. Accordingly, the project is consistent with the provisions of the City's Zoning Code.*

3. CEQA: The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

*The proposed project is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Article 19, Categorical Exemptions, Sec. 15301, Class 1: Existing Facilities, of the CEQA Guidelines. This exemption applies to the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures involving negligible or no expansion of use. A Notice of*

*Exemption has been prepared and will be filed with the Orange County Clerk-Recorder in accordance with the provisions of CEQA.*

4. Compatibility: The location, size, design, and operating characteristics of the proposed use will not create significant noise, traffic, or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.

*The proposed use will be established within an existing building in a zoning district intended for and developed with various uses of similar character and intensity. Additionally, based on a parking assessment prepared by a professional traffic engineer on behalf of the Applicant and reviewed by City staff, the use will not generate a demand for parking in excess of the on-site parking supply or otherwise result in adverse parking-related impacts. Furthermore, staff's analysis considered and evaluated potential noise impacts and concluded that noise levels will not exceed the City's standards with adherence to conditions of approval. The analysis considered a recent technical report prepared for another pickleball facility and other expert reports and guidance pertaining to pickleball uses. Moreover, the use will not generate traffic, pollution, or other conditions at levels that may be objectionable or inconsistent with the Light Industrial zoning and surrounding land uses. Accordingly, the use will not substantially alter the character of the existing property or render the subject property incompatible with surrounding properties.*

5. General Welfare: The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

*The use, as conditioned, will comply with all applicable State, County, and City design, building, and other safety-related laws, codes, and regulations, including, but not limited to, the California Building Code and California Fire Code. Furthermore, the proposed use has not been designated as a hazardous or ultra-hazardous use. Accordingly, the project will not result in any conditions or circumstances contrary to the public health and safety, or the general welfare.*

6. Development Fees for Provision of Public Facilities:

*The proposed indoor commercial recreation use will not provide for development of a project which would contribute to the need for a public facility for which a fee is required. Therefore, no public facilities development fee will be collected in conjunction with the approval of the Use Permit.*

7. City Design Guidelines: The project has been reviewed in accordance with the Citywide Design Guidelines and is consistent with the purpose and intent of the Guidelines.

*The project does not include any modifications to the site or exterior of the building subject to compliance with the Citywide Design Guidelines.*

**SECTION 2. PLANNING COMMISSION ACTIONS.** The PLANNING COMMISSION hereby takes the following actions:

1. Approves a categorical exemption for the project under CEQA Guidelines Section 15301, Class 1 – Existing Facilities, and directs the Director of Community Development to prepare and file with the Clerk-Recorder for the County of Orange a Notice of Exemption pursuant to the provisions of Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

A copy of the exemption notice shall be kept on file and available for public review at Lake Forest City Hall, 100 Civic Center Drive, Lake Forest, CA 92630.

2. Approves Use Permit 08-24-5725 to operate an indoor commercial recreation use at 25871 Atlantic Ocean Drive, Lake Forest, CA, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

**Use Permit 08-24-5725**

The following Conditions of Approval shall apply to the applicant for the permit and/or owner of the property, whichever is appropriate for the condition.

1. INDEMNIFICATION: The applicant shall indemnify, protect, defend, and hold the City, and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act,

California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Community Redevelopment Law, Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

Prior to any tenant improvement work subject to a building permit:

2. A building permit shall be obtained from the Community Development Department. The tenant space shall be improved and maintained in substantial conformance with the plans approved by the Planning Commission on October 3, 2024 and on file with the Community Development Department. Any modifications deemed substantial by the Director of Community Development may be subject to Planning Commission review and approval.
3. The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to issuance of building permits.
  - fire master plan (service code PR145)
  - architectural (service code PR200-PR285)
  - if the structure will be occupied prior to completion of the entire structure: phased occupancy AM&M requests shall accompany the architectural submittal.
  - tanks storing hazardous materials (service codes PR300-PR305)
  - battery (service code PR375), for any system containing an aggregate quantity of electrolyte in excess of 50 gallons
  - underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475)
  - underground piping (service code PR470-PR475), if private hydrants are installed/modified or a fire sprinkler system is required by code or installed voluntarily fire sprinkler system (service codes PR400-PR465)

Prior to concealing interior construction:

- sprinkler monitoring system (service code PR500)
- fire alarm system (service code PR500-PR520), if modified, provided voluntarily, or required by code.
- fire sprinkler system (service codes PR430-PR455), if the building is currently sprinklered and the system requires modification
- hood and duct extinguishing system (service code PR335)

Prior to occupancy of the building:

- emergency responder radio system testing (service code PR928)

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Portions of the project that are deferred shall be subject to the codes, standards, and other applicable requirements in force on the date that the deferred plan is submitted to OCFA. Standard notes, guidelines, informational bulletins, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting [ocfa.org](http://ocfa.org) and clicking on "Business→Planning & Development Services" in the menu bar at the top of the screen.

The use shall be operated and maintained in substantial conformance with the following:

4. The applicant's project narrative received and dated August 20, 2024, and on-file with the City, including but not limited to the hours of operation (7:00 a.m. to 10:00 p.m. daily).
5. The sale/serving of alcoholic beverages on the premises shall be prohibited unless a corresponding City approved use permit and California Department of Alcoholic Beverage Control ("ABC") license are obtained.
6. All Pickleball Haven uses and activities shall be conducted inside the building at all times.
7. Use of the parking lot for any purpose other than parking shall be prohibited.
8. All exterior doors shall be kept during business hours, except as needed intermittently for entering/exiting the building.
9. Tournaments and spectator seating shall be prohibited, provided however that limited seating for court queues, parents and guardians, player respites, and the food concessions bar may be provided. The applicant may apply for

an entitlement at a later date to allow tournaments and spectator seating, subject to review and approval by the Planning Commission.

10. The use shall operate in conformance with City's Noise Ordinance (LFMC Ch. 11.16) at all times. In the event that the City receives noise related complaints, and the City determines that noise level monitoring or measurement(s) are warranted, the business owner shall reimburse the City for all associated/documented costs.
11. All employee, patron, and other parking associated with the business shall occur on-site. Should the parking demand exceed the available on-site parking, the business owner shall immediately implement measures to reduce parking demand, such as limiting the number of patrons allowed in the building at one time, staggering reservations times, and implementing employee carpooling.

PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of October, 2024, by the following vote, to wit:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAINED: COMMISSIONERS

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JORDAN VILLWOCK  
CHAIR  
LAKE FOREST PLANNING COMMISSION

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DATE

ATTEST:

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GAYLE ACKERMAN, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT

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DATE