

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept: City Manager
Subject: AMENDMENT NO. A-149-09

From: Susan Emery
Dept: Community Development
Date: November 24, 2009

OBJECTIVE

To transmit a recommendation from the Planning Commission to approve Amendment No. A-149-09 amending the BCSP-BCC (Brookhurst Chapman Specific Plan – Brookhurst Chapman Commercial) zone, to add a use, Children’s Learning Center, subject to the approval of a Conditional Use Permit.

BACKGROUND

The subject property is located on the east side of Brookhurst Street, south of Chapman Avenue. The site has a General Plan Land Use designation of Light Commercial and is zoned BCSP-BCC (Brookhurst Chapman Specific Plan – Brookhurst Chapman Commercial). The subject property is 11,464 square feet in area and is part of an existing commercial shopping center.

The specific tenant space under application is a 2,018 square foot space located at 12196 Brookhurst Street. The business is currently occupied by Trung Tam Giao Duc & Luyen Thi, which operates as an after-school tutoring center, limited to 15 students. The subject lot has a total of 161 parking spaces available. Currently, the site has sufficient amount of parking spaces for the proposed use, and there is reciprocal access to the adjacent lots within the shopping center.

Overview of Project History:

May 21, 2009: The Planning Commission recommended approval of Amendment No. A-149-09 amending the BCSP-BCC zone, and a Conditional Use Permit request to operate an existing 2,018 square foot Children's Learning Center, subject to City Council's approval of Amendment No. A-149-09.

July 14, 2009: The City Council considered Amendment No. A-149-09 and the applicant’s appeal of three (3) specific conditions of approval. A number of issues were raised by the City Council; namely, a lack of a clear business plan; a concern for having the proposed waiting area at the rear exterior of the establishment; and the requirement of additional toilet fixtures. Concerns were also expressed

regarding hours of operation. City Council approved a motion to remand the matter back to the Planning Commission for reconsideration.

October 15, 2009: The Planning Commission adopted Resolution No. 5696 recommending approval of Amendment No. A-149-09. As part of Planning Commission's action, it was discussed and acted on that tutoring hours shall cease on or before 8:30 p.m.; the facility be identified as a Type "E" occupancy under the California Building Code, with further subjective to the California Plumbing Code for occupancy over sixty (60) persons; and placement of bollards at the rear of the building to protect persons exiting at this location.

DISCUSSION

The Community Development Department has seen an increase in the number of requests to operate tutoring businesses in commercial zones. Educational institutions and private schools offering full-time education to children are only allowed in residential zones with approval of a Conditional Use Permit. Small tutoring businesses, for fifteen (15) or less students, have been approved in commercial zones within retail/office multi-tenant buildings. Small tutoring businesses have characteristics of an office use and provide supplemental education to 12 to 15 students for a limited number of hours; 3 to 4 hours maximum per day.

The proposed business, Trung Tam Giao Duc & Luyen Thi, is a larger tutoring operation with an anticipated 80 or more students. Staff has given this type of large tutoring facility the name "Children's Learning Center." This type of center would provide the same services of supplemental education to students, first grade through high school, during limited hours of the day. The existing commercial shopping center can accommodate the proposed use with adequate parking available.

In order to facilitate the establishment of a large tutoring facility within the Brookhurst Chapman Specific Plan area, the proposed Amendment would amend the BCSP-BCC zone to add the proposed use as follows:

9383. Permitted Uses – Brookhurst Chapman Commercial (BCC) Zone is amended to allow Children's Learning Centers in the Brookhurst/Chapman Commercial zone as a permitted use subject to Conditional Use Permit approval.

FISCAL IMPACT

No fiscal impact to the District and/or City regarding this proposed amendment.

COMMUNITY VISION IMPLEMENTATION

The Community Vision statement seeks to foster small business development, retention and expansion. This proposed Amendment will help to facilitate this goal by expanding the areas in the City that allow Children's Learning Centers, thereby filling a need within the community for these types of uses.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Adopt the Negative Declaration for Amendment No. A-149-09.
- Introduce the attached ordinance for the first reading approving Amendment No. A-149-09.



SUSAN EMERY
Community Development Director



By: Chris Chung
Assistant Planner

Approved for Agenda Listing



Matthew Fertal
City Manager

- Attachment 1: Planning Commission Staff Report dated October 15, 2009
Attachment 2: Planning Commission Resolution No. 5696
Attachment 3: Planning Commission Resolution No. 5697 with Conditions of Approval
Attachment 4: Planning Commission Minute Excerpt of May 21, 2009
Attachment 5: Planning Commission Minute Excerpt of October 15, 2009
Attachment 6: Initial Study Environmental Checklist Form
Attachment 7: Draft Ordinance for Code Amendment for No. A-149-09