

RESOLUTION NO. 5875-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-091-2017.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-091-2017, for a parcel of land located on the southwest corner of Monarch Street and Lampson Avenue, at 7274 Lampson Avenue, Assessor's Parcel No. 215-011-25.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-091-2017, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Verizon Wireless.
2. The applicant is requesting Conditional Use Permit (CUP) approval to allow for the construction and operation of a 60'-0" tall stealth wireless telecommunication facility disguised as a eucalyptus tree (mono-eucalyptus), along with related ground-mounted equipment and site improvements, at 7274 Lampson Avenue (Assessor's Parcel No. 215-011-25).
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from CEQA pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Reg., Section 15303).
4. The property has a General Plan Land Use designation of Industrial, and is zoned MP (Industrial Park). The site is improved with an approximately 63,625 square foot industrial 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 February 2, 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 February 2, 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, are as follows:

FACTS:

The subject site is an approximately 3.1-acre site, located on the southwest corner of Monarch Street and Lampson Avenue, at 7274 Lampson Avenue. The site is improved with an approximately 63,625 square foot industrial building. Based on business license records, the building is currently occupied by two tenants, wood production manufacturer, C Ya in California, and an upholstery operation, Commercial Custom Seating and Upholstery, Inc.

The subject site is zoned MP (Industrial Park) and has a General Plan Land Use Designation of Industrial. The subject site abuts MP (Industrial Park) to the south, east, and across Monarch Street to the west, and across Lampson Avenue PUD-105-71 zoned properties.

The applicant is requesting Conditional Use Permit (CUP) approval to allow for the construction and operation of a 60'-0" tall stealth wireless telecommunication facility disguised as a eucalyptus tree (mono-eucalyptus), along with related ground-mounted equipment and site improvements, at 7274 Lampson Avenue (Assessor's Parcel No. 215-011-25).

FINDINGS AND REASONS:

1. The proposed use will be consistent with the City's adopted General Plan.

The property has a General Plan Land Use designation of Industrial, and is zoned MP (Industrial Park). Telecommunication facilities are conditionally permitted uses in the MP (Industrial Park) zone. The use is consistent with the General Plan provided that the operation of the facility complies with the conditions of approval.

2. That 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 use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval 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 be harmonious with the persons who work and live in the area.

Additionally, the use will not unreasonably interfere with the use, enjoyment or valuation of the 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 mono-eucalyptus will be designed to have a natural appearance

in order to mitigate any potential aesthetic impacts. Telecommunication facilities are conditionally permitted in MP (Industrial Park) zone.

Finally, the use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval will ensure the public health, safety, and welfare. The antennas and equipment are required to adhere to all FCC regulations prohibiting such facilities from interfering with public safety. Therefore the project will not create a menace to the public health, safety, or welfare.

3. That the proposed site 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 site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area.

4. That 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 Monarch Street with one (1) accessible driveway providing both ingress and egress. The site is also adequately served by the public service facilities required such as public utilities: 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. The Conditional Use Permit 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-091-2017.

Adopted this 2nd day of February, 2017

ATTEST:

/s/ ANDREW KANZLER
VICE CHAIR

/s/ JUDITH MOORE
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 February 2, 2017, by the following vote:

AYES: COMMISSIONERS: (5) BARKER, KANZLER, NUYGEN, PAREDES,
ZAMORA
NOES: COMMISSIONERS: (0) NONE

/s/ JUDITH MOORE
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 23, 2017.