

RESOLUTION NO. 5650

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-242-08.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 18, 2008, approved Conditional Use Permit No. CUP-242-08 for property located on the east side of Brookhurst Street, north of Standford Avenue at 12672 and 12682 Brookhurst Street, Parcels Nos. 089-222-30 & 089-222-49.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-242-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Haitham A. Bundakji, applicant and property owner.
2. The applicant requested approval of a Conditional Use Permit to allow the expansion of an existing childcare facility in an adjacent office building. The request is in conjunction with an Amendment, initiated by the City of Garden Grove, to change the zoning of the subject parcels along with six (6) other parcels from O-P (Office Professional) to C-1 (Neighborhood Commercial) in order to provide consistency between the General Plan Land Use Designation and zoning designation of the properties.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration pursuant to the California Environmental Quality Act.
4. The properties at 12672 and 12682 Brookhurst Street have a General Plan Designation of Light Commercial and are currently within the O-P (Office Professional) zone. The site consists of two parcels that are currently developed with the Children of Light childcare facility and an office building that was formerly a single-family home. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
5. Report submitted by City Staff was reviewed.
6. Pursuant to a legal notice, a public hearing was held on September 18, 2008, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter at its meeting on September 18, 2008, 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 9.24.030, are as follows:

FACTS:

The subject site consists of two properties with a combined area of approximately 27,317 square foot and are developed with the Children of Light childcare facility and an office building.

The applicant/owner proposes to expand the existing childcare facility into the adjacent office building that will include the remodeling of the interior of the building and reconfiguration of the site improvements to accommodate the proposed expansion.

In conjunction with the subject request, the City of Garden Grove is proposing an Amendment to change the zoning of the subject parcels along with six (6) other parcels from O-P (Office Professional) to C-1 (Neighborhood Commercial) in order to provide consistency between the General Plan Land Use Designation and zoning designation of the properties.

FINDINGS AND REASONS:

Conditional Use Permit:

1. In conjunction with the associated Amendment for the proposed development, the proposed childcare facility expansion will be consistent with the City's General Plan and Redevelopment Plan. The proposed use, as conditioned, will be compatible with the surrounding uses as the proposed improvements and use comply with all applicable code provisions. The use is consistent with the City's General Plan.
2. The proposed expansion of the existing childcare facility, as conditioned, will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area. The proposed site improvements to be constructed in association with the expansion of the existing childcare facility, as conditioned, will be a positive improvement to area aesthetics.
3. The proposed expansion of the existing childcare facility, as conditioned, will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site. The proposed use can be accommodated on-site without negatively impacting the subject or surrounding properties. The improvements to the design of the interior of the building and site will enhance the valuation of properties within the vicinity of the site.

- 4. The expansion of the existing childcare facility will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Conditions of approval will ensure the public, health, safety, and welfare.
- 5. The approval to allow the childcare facility expansion will not adversely affect the use and enjoyment of adjacent properties. If the applicant operates this use in compliance with the conditions of approval, there should be no impact on the adjoining properties.
- 6. Adequate parking and vehicular access are available for the expanded childcare facility in accordance with the requirements of Title 9. The proposed project meets City Code requirements for parking as well as vehicular and pedestrian access.

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:

The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.

In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Conditional Use Permit No. CUP-242-08.

ADOPTED this 18th day of September, 2008

/s/ RON PIERCE  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on September 18th, 2008, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

/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 October 9, 2008.

SP-242-08RESO