

RESOLUTION NO. 5649

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF AMENDMENT NO. A-142-08.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 18, 2008, hereby adopts a Negative Declaration and recommends approval of Amendment No. A-142-08 to change the zoning from O-P (Office Professional) to C-1 (Neighborhood Commercial) for property located at 12620, 12630, 12642, 12666, 12672, 12682, 12692, and 12732 Brookhurst Street, Parcel Nos. 089-222-60, 089-222-22, 089-222-40, 089-222-31, 089-222-30, 089-222-41, 089-222-48, and 089-222-49.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-142-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the City of Garden Grove.
2. The applicant is proposing to change the zone of properties located at 12620, 12630, 12642, 12666, 12672, 12682, 12692, and 12732 Brookhurst Street from O-P (Office Professional) to C-1 (Neighborhood Commercial).
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed project can not, or will not, have significant adverse effect on the environment; was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. Seq., and the CEQA guidelines, 14 California Code of Regulation Sec. 15000 et. Seq. and includes mitigation measures.
4. Report submitted by City staff was reviewed.
5. 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.

6. The Planning Commission gave due and careful consideration to the matter during its meeting of September 18, 2008; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

On August 26, 2008, the City Council approved a comprehensive General Plan update that included changing the General Plan Designation of the subject properties from Office Professional to Light Commercial to allow for a wider range of commercial use.

In order to maintain the consistency between the General Plan designation and zoning of the property that is required by State Law, the property's current zoning designation of O-P (Office Professional) is required to be changed to C-1 (Neighborhood Commercial).

In conjunction with this request, the property owner of the two properties located at 12672 and 12682 Brookhurst Street is requesting approval of a Conditional Use Permit to expand an existing childcare facility.

FINDINGS AND REASONS:

1. The Amendment to change the zoning of the subject properties will provide the necessary consistency between the goals, policies, and elements of the General Plan and the zoning of the property. The Amendment will continue to encourage compatibility between land uses.
2. The Code Amendment will promote the public interest, health, safety, and welfare through the Conditional Use Permit required by the amendment, thus ensuring the public interest, health, safety, and welfare.

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 Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030. The Planning Commission therefore, recommends City Council approve Amendment No. A-142-08, changing the zoning of the subject properties from O-P (Office Professional) to C-1 (Neighborhood Commercial).

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.