

consistency between the Land Use Designation and zoning as required by State Law, but allows commercial uses such as the existing childcare facility to be in conformance with the General Plan land use designation. Additionally, the Amendment allowed consideration of the existing childcare facility's proposed expansion that was processed in conjunction with this request. All other existing uses will remain conforming to the C-1 zone. Finally, the proposed Amendment will continue to encourage compatibility between land uses as well as promote the public interest, health, safety and welfare of the of the existing and future residents and business operators located within the area.

FINANCIAL IMPACT

None.

COMMUNITY VISION AND 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 for a wider range of commercial uses while maintaining the existing uses located on the subject properties.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Adopt a Negative Declaration, and
- Introduce for first reading, the ordinance for Amendment No. A-142-08 rezoning eight (8) properties located on the east side of Brookhurst Street, north of Stanford Avenue, from O-P (Office Professional) to C-1 (Neighborhood Commercial) in order to provide consistency between the General Plan land use designation and zoning of the properties pursuant to State Law.



SUSAN EMERY
Community Development Director

Approved for Agenda Listing



Matthew Fertal
City Manager

By: Lee Marino
Senior Planner



- Attachment 1: Planning Commission Staff Report dated September 18, 2008
- Attachment 2: Planning Commission Resolution Nos. 5649/5650 and Conditions of Approval
- Attachment 3: Planning Commission Minute Excerpt of September 18, 2008
- Attachment 4: Draft City Council Ordinance

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: East side of Brookhurst Street, north of Stanford Avenue at 12620, 12630, 12642, 12666, 12672, 12682, 12692, & 12732 Brookhurst Street.
HEARING DATE: September 18, 2008	GENERAL PLAN: Light Commercial
CASE NOS: Code Amendment No. A-142-08 & Conditional Use Permit No. CUP-242-08.	ZONE: O-P (Office Professional) PROPOSED ZONE: C-1 (Neighborhood Commercial)
APPLICANTS: City of Garden Grove and Haitham A. Bundakji	APN: 089-222-60, 22, 40, 31, 30, 41,48, & 49
PROPERTY OWNER: Haitham A. Bundakji (Owner of 12672 & 12682 Brookhurst Street)	CEQA DETERMINATION: Negative Declaration

REQUEST:

A request for a Code Amendment (A-142-08) to rezone eight (8) properties located on the east side of Brookhurst Street, north of Stanford Avenue, from O-P (Office Professional) to C-1 (Neighborhood Commercial) in order to provide consistency between the General Plan Designation and zoning of the properties pursuant to State Law. Additionally, the property owner of 12672 and 12682 Brookhurst Street is requesting a Conditional Use Permit approval to expand an existing childcare facility.

PROJECT STATISTICS:**CHILDCARE FACILITY:**

LOT SIZE (TOTAL): 27,317 sq.ft.

BUILDING SIZE:

Building A (existing): 1,433 sq.ft.

Building B (existing): 2,273 sq.ft.

EXISTING BUILDING HEIGHT: 14'-5"

EXISTING BUILDING SETBACKS:**Building A:**

North: 4'-4"
South: 19'-0"
East: 69'-3"
West: 56'-0"

Building B:

North: 6'-0"
South: 11'-0"
East: 30'-0"
West: 41'-0"

PARKING: 24 spaces

BACKGROUND:

The sites proposed for rezoning consist of eight (8) properties located on the east side of Brookhurst Street north of Stanford Avenue. The properties are zoned O-P (Office Professional) and include the Children of Light Preschool, a flower shop, and multi-tenant office buildings.

The two properties under application for the expansion of an existing childcare facility are located on the east side of Brookhurst Street at 12672 and 12682 Brookhurst Street, approximately 110 feet north of Stanford Avenue. The properties are zoned O-P and are developed with a childcare facility and an office building that was formerly a single-family home. The childcare facility currently has a license for 37 children.

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 is required to be changed to C-1 (Neighborhood Commercial).

The zoning of surrounding properties include R-1 (Single-Family Residential) to the east, C-1 zoned properties to the south across Stanford Avenue, and R-1 and C-1 zoned properties to the west, across Brookhurst Street.

DISCUSSION:

Code Amendment:

The City of Garden Grove is requesting approval of a Code Amendment to change the zoning of the subject properties from O-P (Office Professional) to C-1 (Neighborhood Commercial) in order to have consistency between the Land Use Designation and zoning as required by State Law. On August 26, 2008 the City Council approved a comprehensive update to the City's General Plan, which included changing the General Plan Land Use designation of the subject properties from Office Professional to Light Commercial in order to allow a wider range of commercial uses on the site. Additionally, the change in the General Plan Land Use designation made existing commercial uses such as the childcare facility, that is part of the subject application request, conforming to the General Plan Land Use designation. The subject zone change will also allow consideration of the existing childcare facility's proposed expansion that is included with this request. Childcare facilities can be considered within the C-1 zones via the Conditional Use Permit process. The other existing uses will also be conforming to the C-1 zone as well.

CONDITIONAL USE PERMIT:

Along with the proposed zone change, the property owner of the two properties located at 12672 and 12682 Brookhurst Street is proposing the expansion of the existing Children of Light Preschool into an existing adjacent office building. The expansion of the childcare facility will increase the number of children from 37 children to 95 children. Childcare facilities are only permitted in the C-1 zone via the Conditional Use Permit process. This process is required to ensure that the use will not be detrimental to the public health, safety, and general welfare and will not impair the integrity and character of the area. Additionally, a Conditional Use Permit for each use is reviewed individually, based on location and compatibility with the surrounding area.

The proposed expansion includes modifications to the interior of the existing office building to include demolition of interior offices and the creation of two large child areas, storage room, office, entry, restrooms, and reconfiguration of the existing kitchen area. No exterior modifications to the building are proposed with this application.

Site improvements include reconfiguration of the parking lot to create the Code required 24 parking spaces; removal of existing driveways and creation of a central two-way 25-foot wide driveway; creation of a new landscape planter along the easterly property line to provide a landscape buffer between the subject facility and the adjacent residential zone; and creation of two separate play areas that are enclosed with tubular fencing in order to provide the County and State required outdoor play areas for the children. While the plans show the fencing approximately 4 feet from the front property line, Code requires that the fence be placed 15 feet back from the front property line. A condition has been included that requires the fence be set back the 15 feet with a row of shrubs in order to provide the Code required setback area as well as to provide buffering and protection of the children from the street when they are in the play areas. As conditioned, and with the approval of the zone change, the project will comply with the development standards of the C-1 zone as well as the County and State requirements for childcare facilities.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Adopt a Negative Declaration;
2. Recommend City Council approval of Code Amendment No. A-142-08; and
3. Approve Conditional Use Permit No. CUP-242-08 subject to the recommended conditions of approval as well as subject to the City Council approval of Code Amendment No. A-142-08.



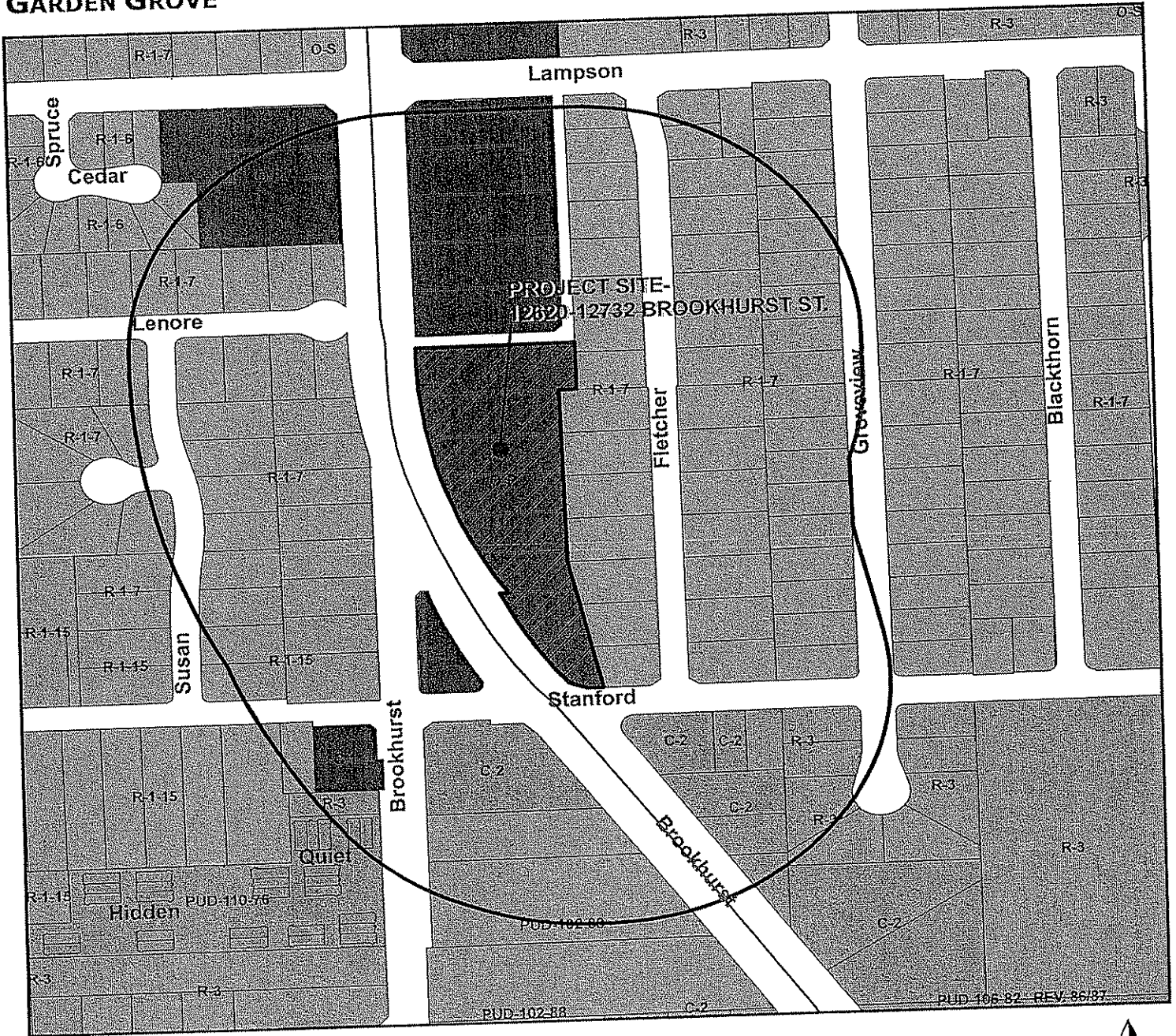
Karl Hill
Planning Service Manager

By: Lee Marino 
Senior Planner





AMENDMENT NO. A-142-08

RELATED CASE NO. CUP-242-08

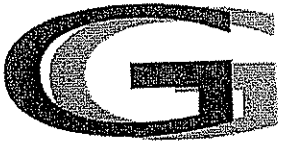


LEGEND

-  PROJECT SITE - 12620 - 12732 BROOKHURST ST.
-  500 FOOT RADIUS



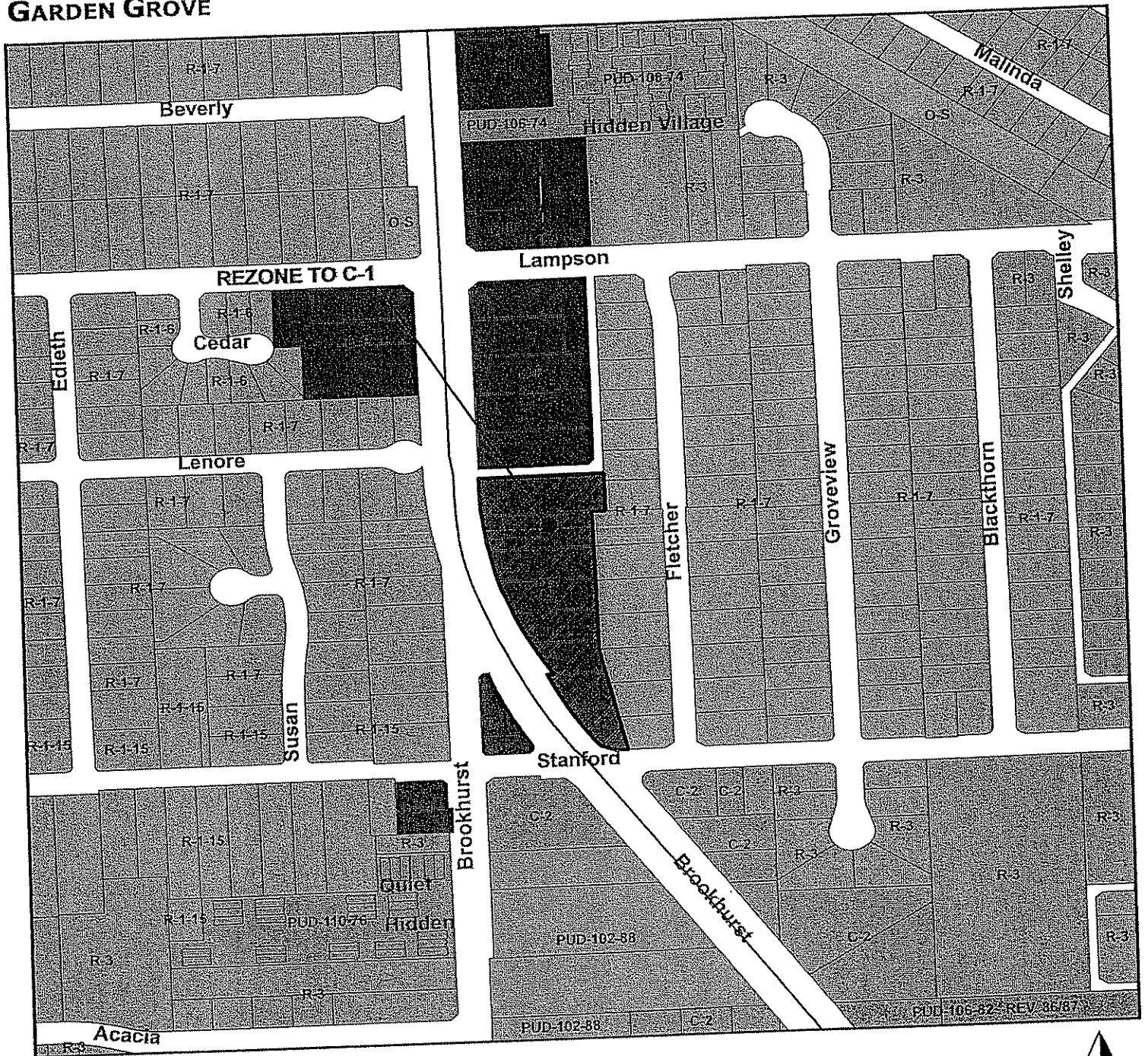
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
SEPTEMBER 2008




GARDEN GROVE

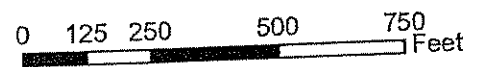
AMENDMENT NO. A-142-08

RELATED CASE NO. CUP-242-08



LEGEND

 PROJECT SITE - 12620 - 12732 BROOKHURST ST.



NOTES

1. GENERAL PLAN: LIGHT COMMERCIAL.
2. ZONE CHANGE: FROM OP (OFFICE PROFESSIONAL) TO C-1 (NEIGHBORHOOD COMMERCIAL)

CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 SEPTEMBER 2008

CHILDREN OF LIGHT

OWNER:
 JAE JUNG LEE
 12672 BROOKHURST ST
 GARDEN GROVE, 32840
 562-333-4189

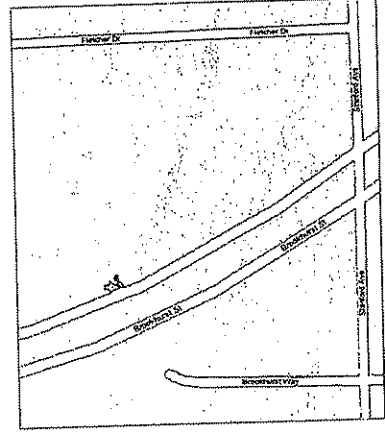
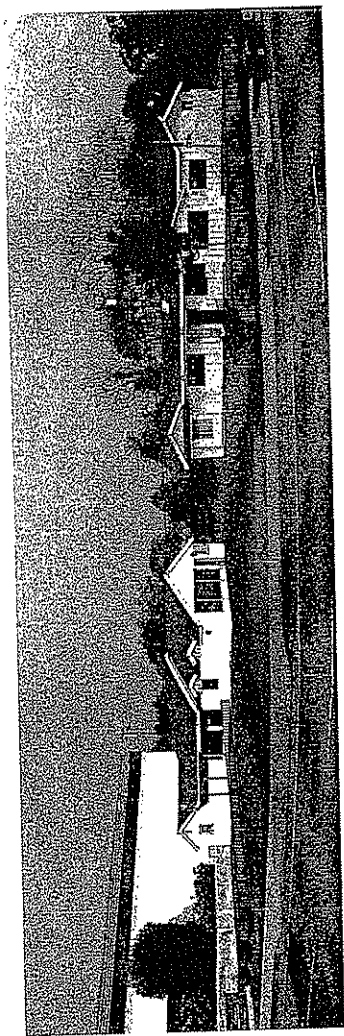
ARCHITECT AND CONTRACTOR:
 C/J PROPERTY IMPROVEMENT
 1038 E. BASTANCHURY RD. 317 FULLERTON, CA 92635
 FULLERTON, CALIFORNIA 92635
 TEL. 714.904.7484

LOT DESCRIPTION
 12672 BROOKHURST ST
 GARDEN GROVE, 32840

APN: 089-222-30
 TRA: 16-032-CITY OF GARDEN GROVE
 LOT: 30 AREA: 15,725 SF.
 BUILDING: 1,433 SF.
 USE CODE: COMMERCIAL

12682 BROOKHURST ST
 GARDEN GROVE, 32840

APN: 089-222-41
 TRA: 16-032-CITY OF GARDEN GROVE
 LOT: 41 AREA: 11,592 SF.
 BUILDING: 2,273 SF.
 USE CODE: COMMERCIAL



VICINITY MAP

PROJECT SUMMARY

BUILDING A	
BUILDING AREA:	
CLASSROOM AREA:	
OCCUPANCY 37 STUDENT	
BUILDING B	
BUILDING AREA:	
CLASSROOM AREA-2,031	
OCCUPANCY 58 STUDENT	
PARKING REQUIRE: 24 STALLS	
1 STALL FOR 6 STUDENTS-16 REQUIRE	
1 STALL FOR 1 TEACHER-8 REQUIRE	24 STALLS
PARKING PROVIDE:	
STANDARD-19 STALLS	
COMPACT- 5 STALLS	
TOTAL	24 STALLS

PROJECT: CHILDREN OF LIGHT PRESCHOOL
 12682 BROOKHURST STREET, GARDEN GROVE, 32840-1608

NO. _____ DATE _____

REVISION _____

DRAWN _____

SCALE: AS SHOWN

DATE: 05-01-2008

PROJECT NO. _____

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C/J PROPERTY IMPROVEMENT
 CONSTRUCTION, ADDRESS, ROSEBUD JUNG
 1038 E. BASTANCHURY RD. 317 FULLERTON, CA 92635
 FULLERTON, CALIFORNIA 92635
 TEL. 714.904.7484

CJ PROPERTY IMPROVEMENT
 CONSTRUCTION, AGENTON, REDWOODING
 1038 E. BAYVIEW RD. #317 FULLERTON, CA 92835
 FULLERTON, CALIFORNIA 92835
 TEL: 714-904-7484

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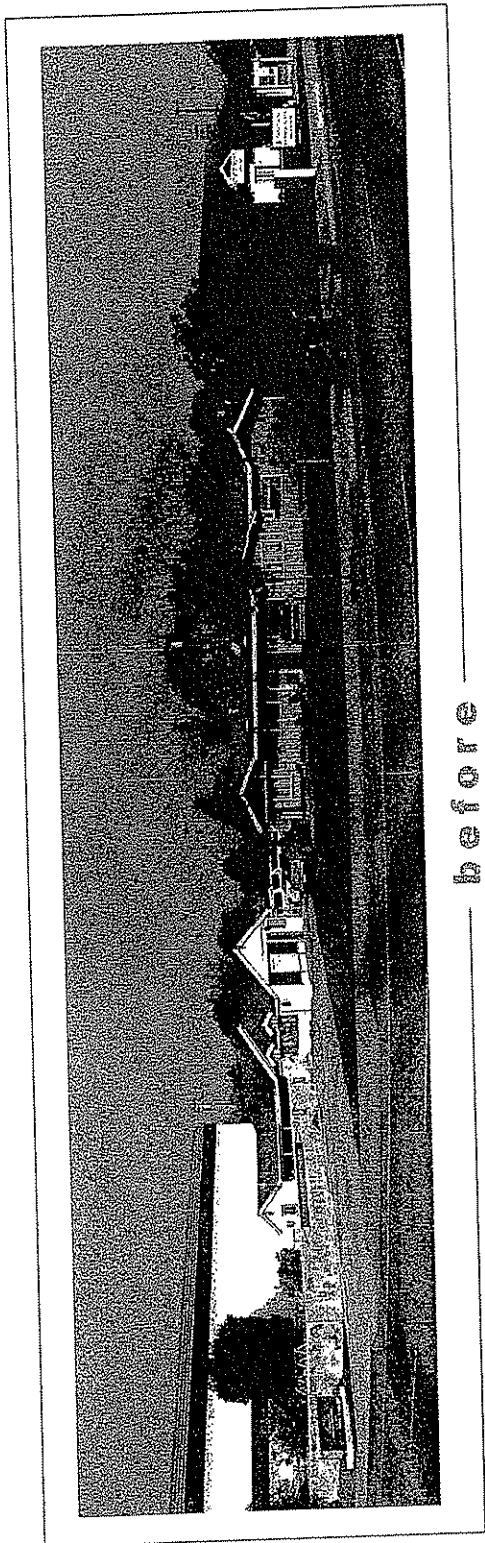
CHILDREN OF LIGHT PRESCHOOL
 12665 BROOKHURST STREET, GARDEN GROVE, 92840-4808

PROJECT

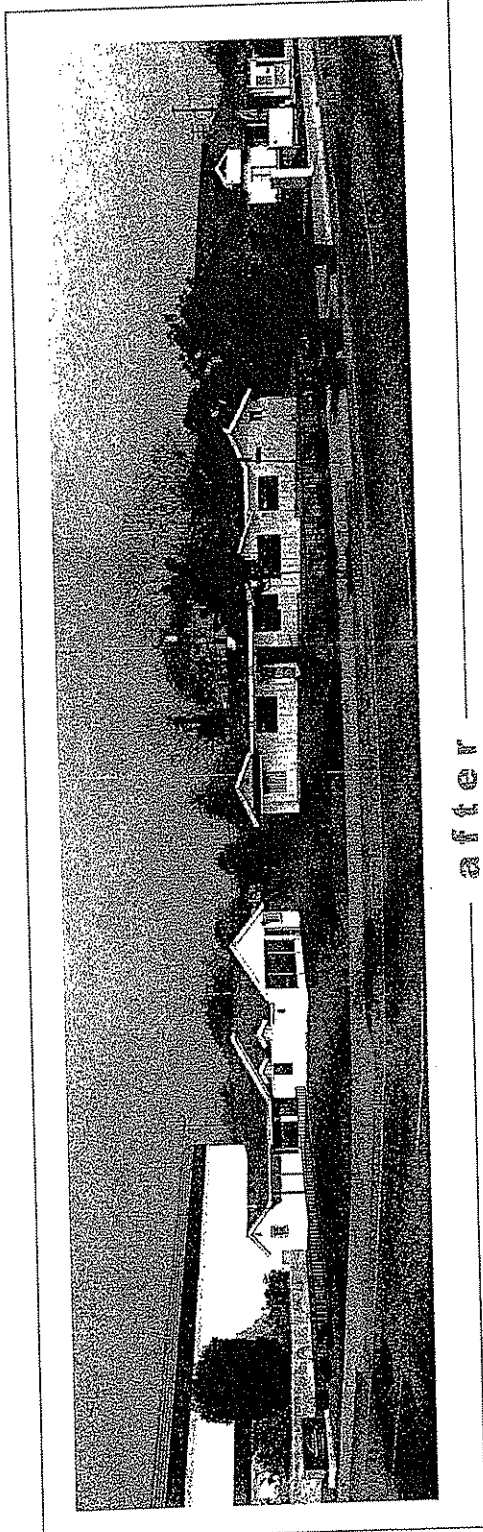
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DATE	PROJECT NO.
03.01.2008	F1010

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before



after

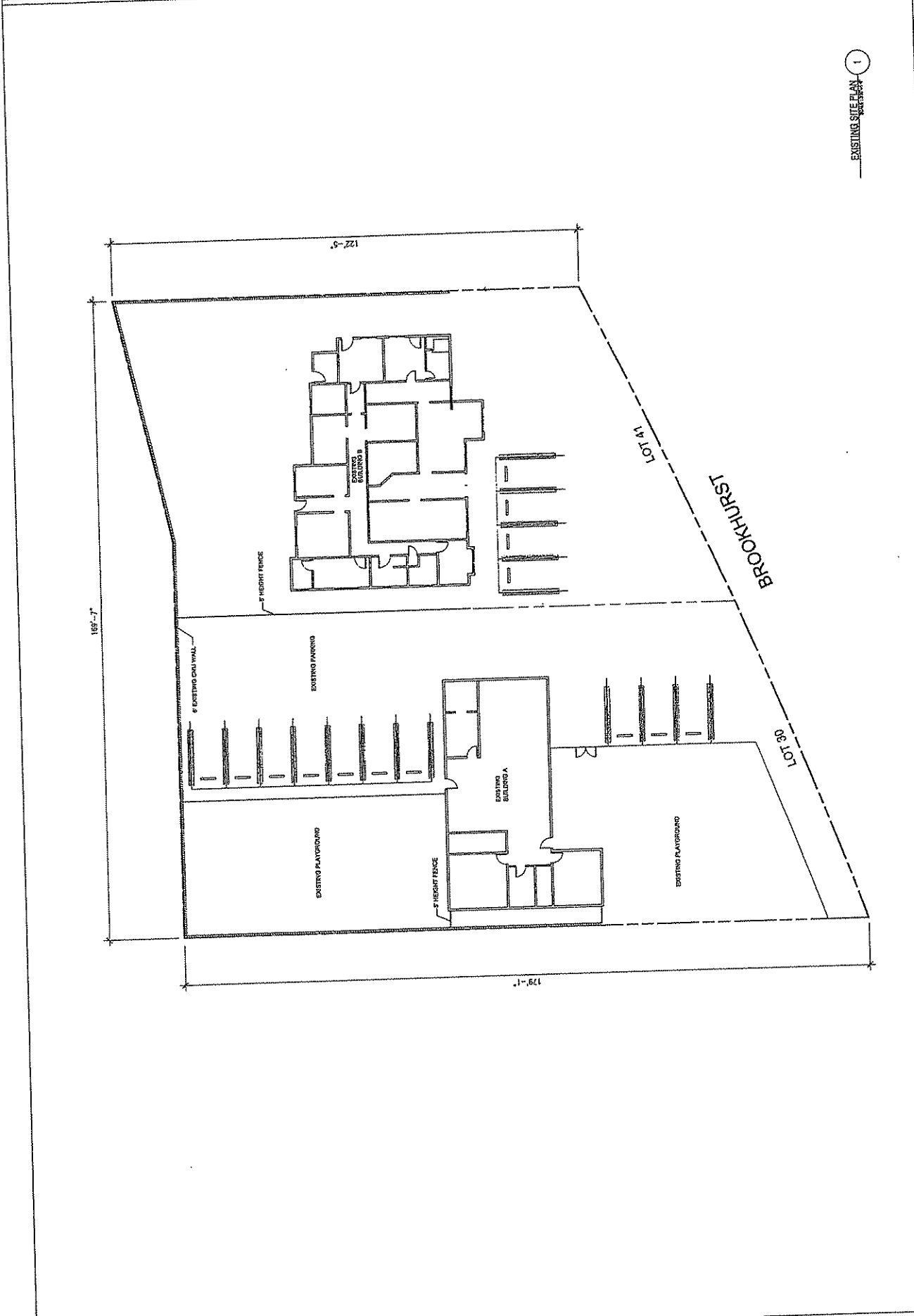
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EXISTING SITE PLAN
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NO.	REVISION	DATE

PROJECT
CHILDREN OF LIGHT PRESCHOOL
12682 BROOKHURST STREET, GARDEN GROVE, 92640-1608

CJ PROPERTY IMPROVEMENT
 1028 E. BASTINGHURST RD. #17 FULLERTON, CA 92835
 FULLERTON, CALIFORNIA 92835
 TEL: 714.904.7484



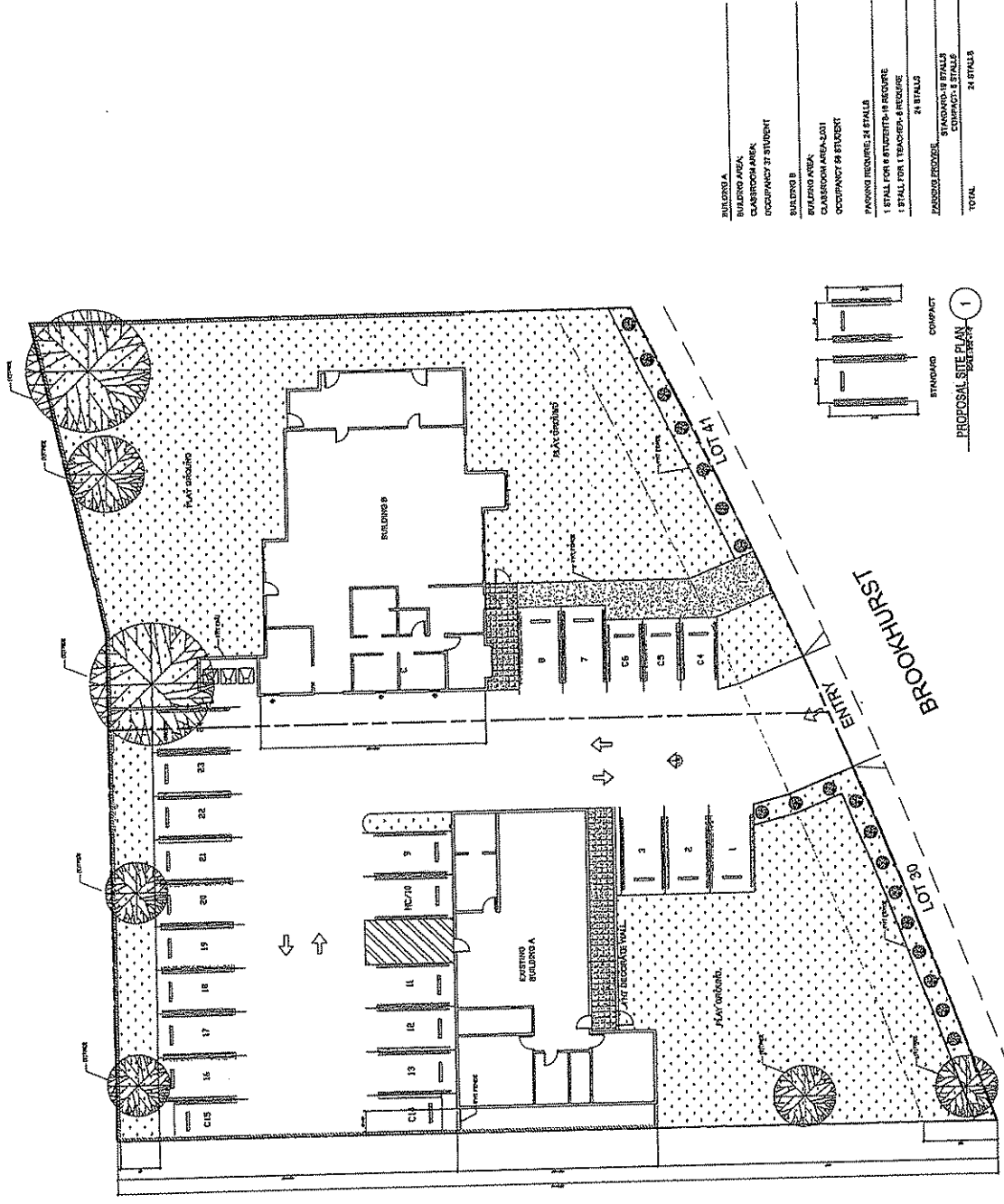
CJ PROPERTY IMPROVEMENT
 CONSTRUCTION ADMIN. #1017 FULLERTON, CA 92835
 FULLERTON, CALIFORNIA 92835
 TEL: 714.904.7484

CHILDREN OF LIGHT PRESCHOOL
 12842 BROOKHURST STREET, GARDEN GROVE, 92640-4808

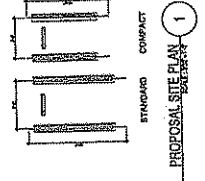
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PROJECT
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 SCALE: AS SHOWN
 DATE: 05.01.2008
 PROJECT NO.: #1010
 TOTAL

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BUILDING A	BUILDING B	BUILDING C
EMERGENCY AREA	EMERGENCY AREA	EMERGENCY AREA
OCCUPANCY 37 STUDENT	OCCUPANCY 37 STUDENT	OCCUPANCY 37 STUDENT
PARKING REQUIRE, 24 STALLS	PARKING REQUIRE, 24 STALLS	PARKING REQUIRE, 24 STALLS
1 STALL FOR 8 FT WIDTH - 48 SECURE	1 STALL FOR 8 FT WIDTH - 48 SECURE	1 STALL FOR 8 FT WIDTH - 48 SECURE
1 STALL FOR 12 SECURE - 48 SECURE	1 STALL FOR 12 SECURE - 48 SECURE	1 STALL FOR 12 SECURE - 48 SECURE
24 STALLS	24 STALLS	24 STALLS
STANDARDS 12 STALLS	STANDARDS 12 STALLS	STANDARDS 12 STALLS
COMPACT 12 STALLS	COMPACT 12 STALLS	COMPACT 12 STALLS
TOTAL	TOTAL	TOTAL



PROPOSAL SITE PLAN
 1

CJ PROPERTY IMPROVEMENT
 CONSTRUCTION ADMIN. BUILDINGS
 1038 E. BAYVIEW HWY. NO. 317 FULLERTON, CA 92835
 FULLERTON, CALIFORNIA 92835
 TEL: 714.904.7484

PROPERTY
 12682 BROOKHURST STREET, GARDEN GROVE, 92640-4808

CHILDREN OF LIGHT PRESCHOOL
 PROJECT

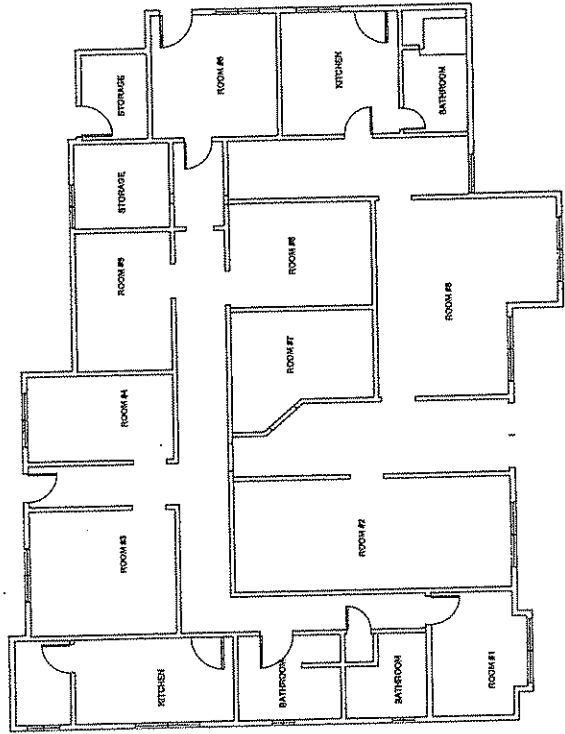
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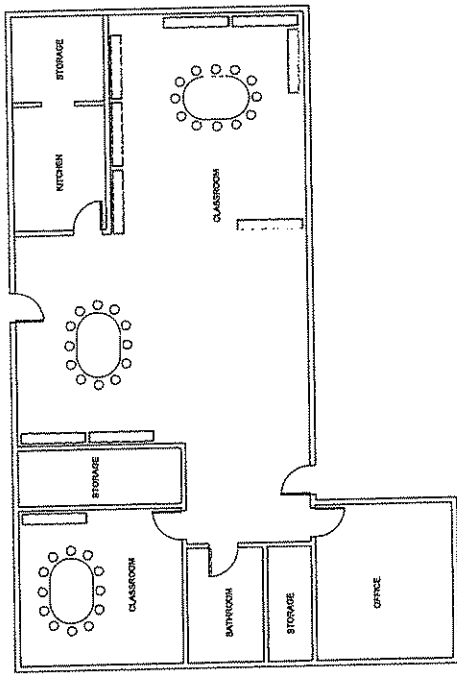
DATE
 05.01.2008

PROJECT NO.
 #1010

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BUILDING B EXISTING PLAN
 1



BUILDING A EXISTING PLAN
 1

CJ PROPERTY IMPROVEMENT
 CONSTRUCTION, ADMIN, RECORDING
 1039 E BASTINGHAM RD, 317 FULLERTON, CA 92635
 FULLERTON, CALIFORNIA 92635
 TEL: 714.944.7484

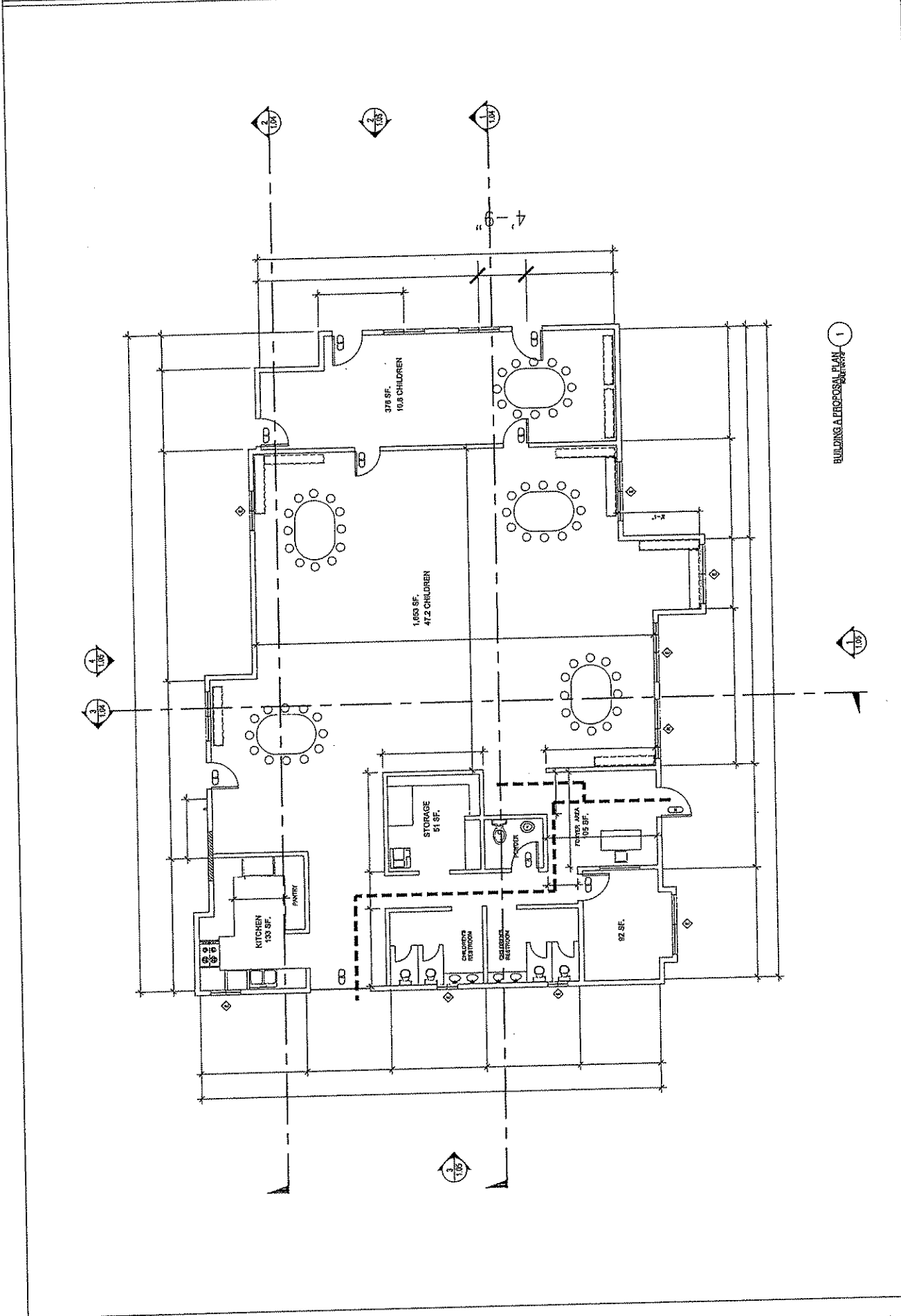
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 UNLESS OTHERWISE NOTED
 ALL WORK SHALL BE IN ACCORDANCE WITH THE
 LATEST EDITIONS OF THE CALIFORNIA
 BUILDING CODES AND ALL APPLICABLE
 LOCAL ORDINANCES.

PROJECT: **CHILDREN OF LIGHT PRESCHOOL**
 12642 BROOKHURST STREET, GARDEN GROVE, 92640-4808

NO.	REVISION	DATE

SCALE: AS SHOWN
 DATE: 03.01.2008
 PROJECT NO.:
 DRAWING NO.: A1.03

A1.03
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BUILDING A PROPOSAL PLAN
 SHEET 1

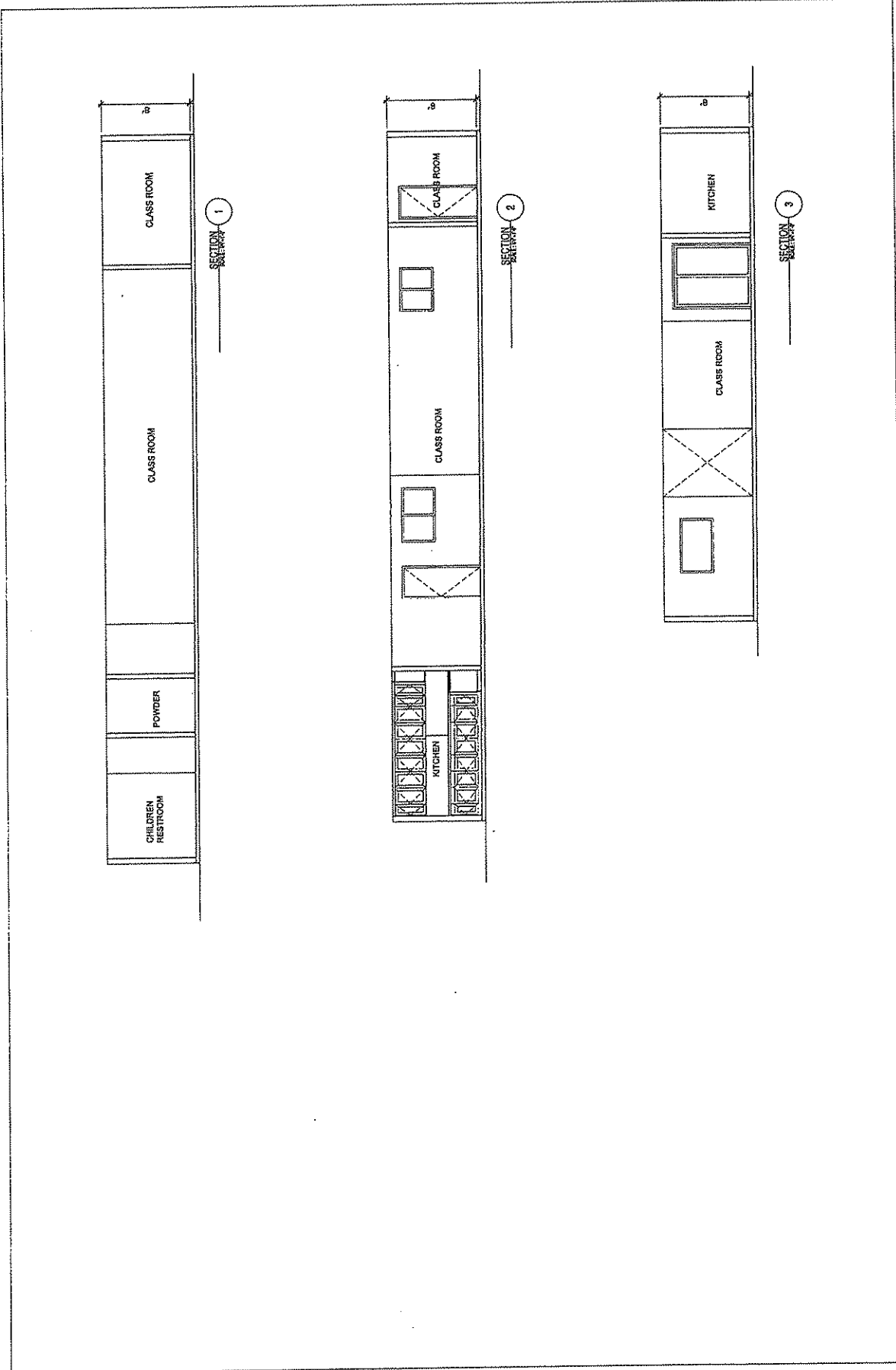
NO.	REVISION	DATE

SCALE	AS SHOWN
DATE	05/01/2008
DRAWN BY	PROJECT NO.

PROJECT
CHILDREN OF LIGHT PRESCHOOL
12882 BROOKHURST STREET, GARDEN GROVE, 92640-1808

NOT TO SCALE
ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL, ELECTRICAL AND PLUMBING CODES.
ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.
THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.

CI PROPERTY IMPROVEMENT
CONSTRUCTION ADDRESS: 1038 E. BASTINGHAM RD., 317 FULLERTON, CA 92835
FULLERTON, CALIFORNIA 92835
TEL: 714.904.7184



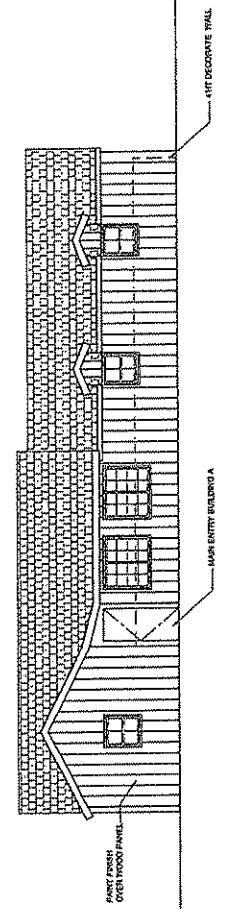
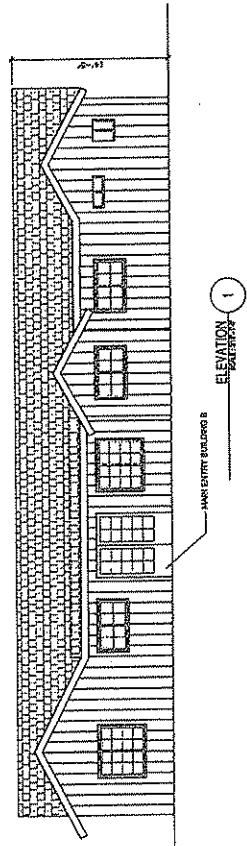
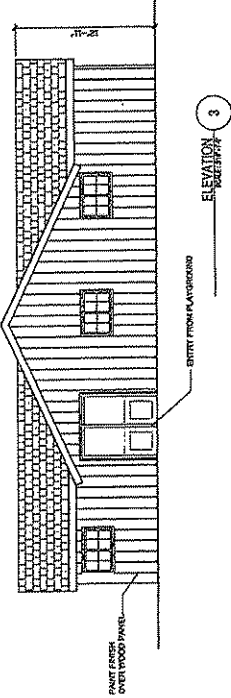
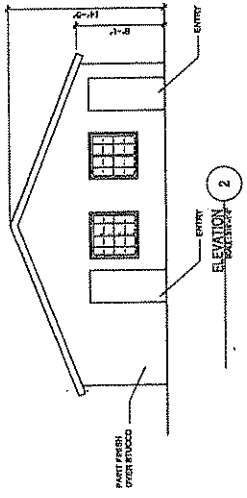
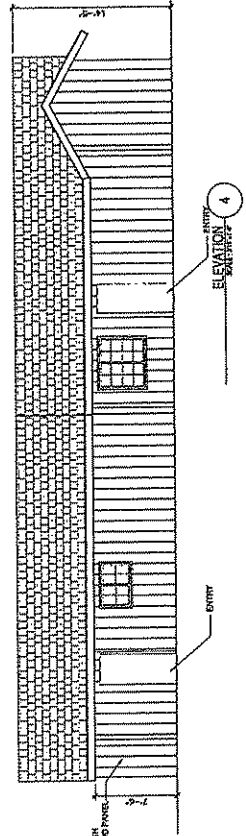
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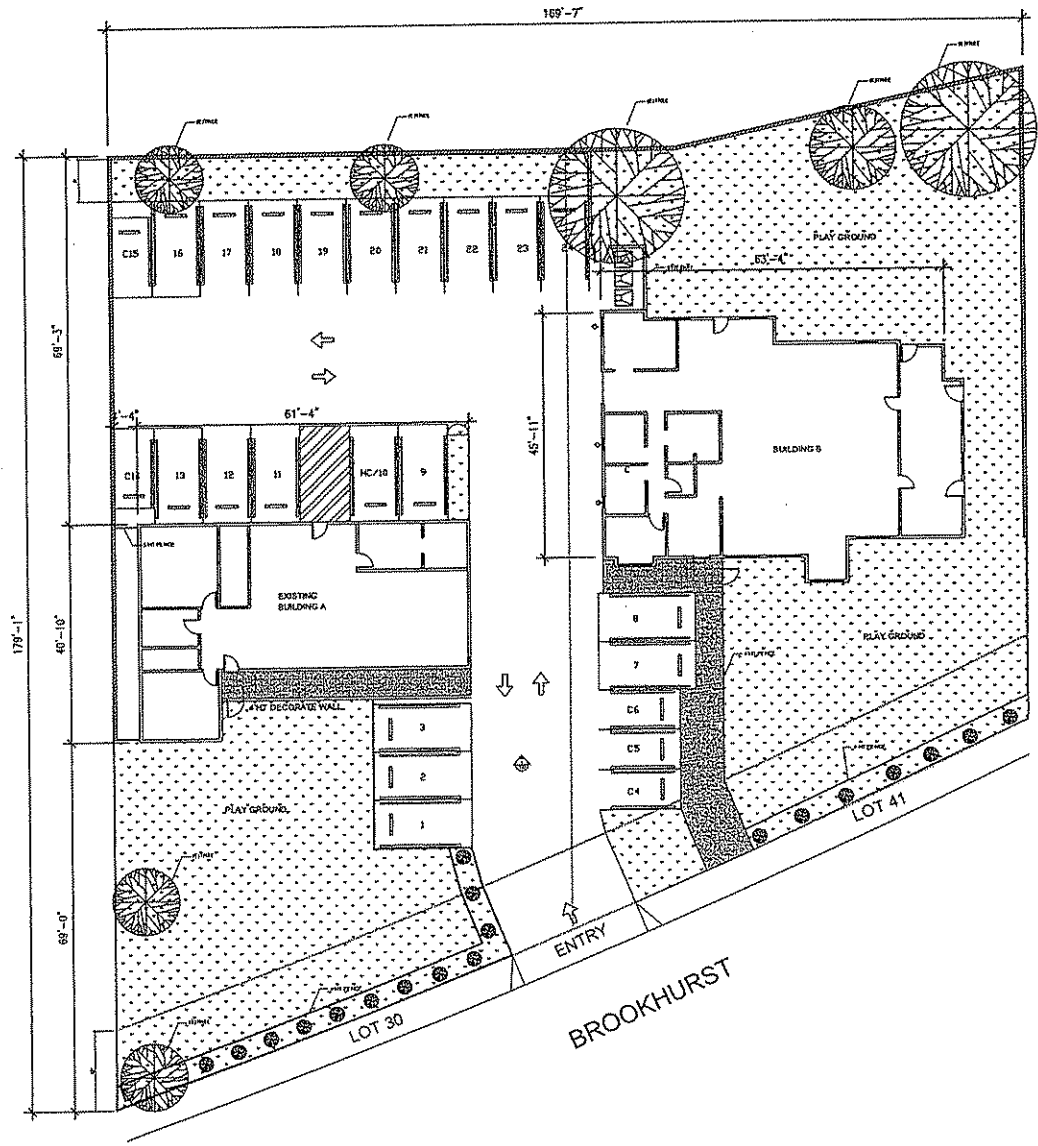
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DATE 03.01.2008
PROJECT NO. #1010

CHILDREN OF LIGHT PRESCHOOL
1362 BROOKHURST STREET, GARDEN GROVE, 92640-6808

CJ PROPERTY IMPROVEMENT
CONSTRUCTION, ADMIN, REMODELING
1038 E. BAYVIEW RD., 317 FULLERTON, CA 92635
TEL. 714.904.7484

NOT TO SCALE
ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE
ALL FINISHES TO BE AS SHOWN UNLESS NOTED OTHERWISE
ALL MATERIALS TO BE AS SHOWN UNLESS NOTED OTHERWISE
ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES
ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL, ELECTRICAL AND PLUMBING CODES AND ALL APPLICABLE LOCAL ORDINANCES
ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FIRE AND SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES
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ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-UNFAIR BUSINESS PRACTICES ACT AND ALL APPLICABLE LOCAL ORDINANCES
ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ANTI-UNFAIR COMPETITIVE BIDDING ACT AND ALL APPLICABLE LOCAL ORDINANCES





PLOT PLAN

ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:**
Code Amendment No. A-142-08 and Conditional Use Permit No. CUP-242-08
2. **LEAD AGENCY:**
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92640
3. **CONTACT PERSON:**
Lee Marino, Senior Planner
4. **PROJECT LOCATION:**
Properties affected by Code Amendment No. A-142-08: 12620, 12630, 12642, 12666, 12672, 12682, 12692, and 12732 Brookhurst Street. Properties affected by Conditional Use Permit No. CUP-242-08: 12672 and 12682 Brookhurst Street.
5. **PROJECT SPONSORS:**

City of Garden Grove 11222 Acacia Parkway Garden Grove, CA 92640	Haitham A. Bundakji 16072 Burgess Circle Westminster, CA 92683
--	--
6. **GENERAL PLAN DESIGNATION:**
Light Commercial
7. **ZONING:**
O-P (Office Professional)
8. **DESCRIPTION OF PROJECT:**
The project includes a request by the City of Garden Grove to rezone eight (8) properties located on the east side of Brookhurst Street, north of Stanford Avenue from O-P (Office Professional) to C-1 (Neighborhood Commercial) in order to provide consistency between the General Plan Designation and the zoning of the property pursuant to State Law. Additionally, the property owner of the properties located at 12672 and 12682 Brookhurst Street is requesting a Conditional Use Permit approval to expand an existing childcare facility.
9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**
None

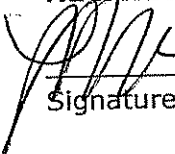
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

Land Use	Transportation/Circulation	Public Services
Housing	Biological Resources	Utilities and Services
Geophysical	Energy Resources	Aesthetics
Hazards	Water Quality	Cultural Resources
Air Quality	Noise	Recreation
Mandatory Findings of Significance		

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.



 Signature

August 20, 2008

 Date

Lee Marino

 Printed Name

For: _____
 City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of significance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

I. LAND USE AND PLANNING

- a. Conflict with General Plan designation or zoning.
- b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project.

Response (a-b): In August of 2008 the City 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 commercial uses. In order to provide the consistency between the General Plan Land Use Designation and zoning of the properties, the City has proposed to change the zoning of the properties from O-P (Office Professional) to C-1 (Neighborhood Commercial) for properties located on the east side of Brookhurst Steet, north of Sanford Avenue.

Along with the request to change the zoning of the property, the property owner of the properties located at 12672 and 12682 Brookhurst Street is requesting a Conditional Use Permit approval to expand an existing childcare facility. Once the properties are zoned C-1, the two properties with the proposed childcare facility expansion, will be adjacent to C-1 zoned properties to the north and south, R-1 (Single-Family Residential) zoned properties to the east, and R-1 and C-1 zoned properties to the West, across Brookhurst Street.

With the rezoning of the property, the daycare facility, when approved conditionally, will be consistent with the General Plan for compatibility with other uses and the C-1 zoning designation as well as the adjacent residential uses.

- c. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses).

Response (c): There are no lands dedicated to agricultural uses within the project area. Therefore, there will be no impacts to agricultural resources or operations.

- d. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community).

Response (d): The project will not disrupt the physical arrangement of the existing single-family residential units located to the east, the single-family residential to the west, or the surrounding commercial establishments. The project will provide the needed consistency between the General Plan Designation and zoning of the subject properties. Additionally, the expansion of the existing childcare facility will be adequately buffered from the adjacent residential through the use of existing block walls and new landscaping.

II. POPULATION AND HOUSING

- a. Cumulatively exceed official regional or local population projections.
- b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure).
- c. Displace existing housing, especially affordable

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

housing.

Response (a-c): There will be no impact to the existing population and housing, as the proposed project and zone change does not affect any residential developments within the community

III. GEOPHYSICAL

a. Seismicity: Fault rupture.

Response: According to the seismic and safety element of the General Plan, the Shady Canyon fault is the only fault line known to exist within the Garden Grove city limits. The fault has no history of seismic activity and is not considered to be active. The city lies in proximity to the Newport/Inglewood fault, as well as larger fault lines, which may affect buildings within Garden Grove.

Some exposure to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County and the proposed project does not alter the existing exposure. To mitigate any potential impacts all construction is required to adhere to the California Building Code as it pertains to seismic safety.

b. Seismicity: Ground shaking or liquefaction.

Response: The project area, like all of Southern California, is subject to ground-shaking and other secondary impacts from seismic activity, such as liquefaction. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the saturated nature of the sandy soils in the area. To mitigate any potential impacts, all construction is required to adhere to the California Building Code, as it pertains to seismic safety.

c. Seismicity: Seiche or tsunami.

Response: Seiches and tsunamis are not anticipated to occur in the vicinity of this project due to its distance from the coast and absence of large water bodies in the project area.

d. Landslides or mudslides.

Response: The project area is relatively flat and would not normally be subject to landslides or mudslides. The construction of the proposed project may involve comparatively small excavations, which will be required to be made in accordance with all applicable codes and standards to minimize the threat of a landslide or mudslide.

e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.

Response: Changes in topography will result during the site preparation and grading. A project of this size would not create any substantial impacts to the soil or topography of the area, other than to provide adequate drainage. All construction involving excavation and/or grading is required to adhere to the requirements of the Engineering Services Division. All improvements are required

	Potentially Significant	Unless Mitigated	Less than Significant	No Impact
Significant Impact				

to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety Requirements.

- f. Subsidence of the land.

Response: Differential settlement or subsidence of the land surface can be caused by several factors, including the withdrawal of oil, gas, or water from underlying formations, decomposition of buried organic material, and construction of heavy manmade structures above underlying poorly consolidated materials. None of these or any other conditions typically contributing to subsidence are expected in the project area. All new construction is required to adhere to the requirements of the Engineering Services Division to address any subsidence of the land. All improvements are required to adhere to applicable codes including the Uniform Building Code, and State and Federal Occupational Safety requirements.

- g. Expansive soils.

Response: All improvements are required to adhere to applicable codes including the California Building Code, and California Occupational Safety requirements.

- h. Unique geologic or physical features.

Response: There are no known unique geologic or physical features in the project area. The subject site is flat and is currently developed with an auto repair facility, multi-tenant office building and associated parking and landscape improvements.

IV. HYDROLOGY AND WATER QUALITY

- a. Violate any water quality standards or waste discharge requirements?

Response: The project will not involve operations that could affect water quality standards. The project site is located within an urbanized area with existing residential, commercial and institutional uses. The use of the proposed commercial development will not generate the types of activities that would effect water quality standards or waste discharge requirements.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Response: The project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction would not require substantial excavations, other extensive below-grade work, or the use of large quantities of water.

- c. Substantially alter the existing drainage pattern

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	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

Response (c-d): There are no surface waters within the project area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect surface waters.

- e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?

Response: There will be a less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated description into the construction plans and be approved by the Engineering Services Division prior to the issuance of any permits and the commencement of construction.

- f. Otherwise substantially degrade water quality?

Response: There will be a less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as the majority of the site is presently developed. To ensure proper drainage is provided grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any permits and the commencement of construction.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

- h. Place structures within a 100-year flood hazard area which would impede or redirect flood flows?

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure or a levee or dam?

Response (g, h, i): The project area is located within the Regular Flood Hazard Zone "X", as determined by the Federal Emergency Management Agency Flood Insurance Rate Map No. 06059C0138H (Community No. 060220, Panel No. 0138H),

	Potentially Significant	Unless Mitigated	Less than Significant	No Impact
	Significant Impact			

issued on February 18, 2004. 100-year flood zone. Flood Zone "X" includes areas of 500 year flood; with average depths of less than one foot, or with drainage areas less than one square mile; and areas protected by levees from 100-year floods. Flood Zone "X" is not subject to the flood hazard ordinance.

- j. Inundation by seiche, tsunami, or mudflow?

Response: Seiches, tsunamis and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, the absence of large bodies of water, and the absence of hilly or mountainous terrain that could potentially cause mudflows.

- k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?

Response: Project run-off will be directed into the existing storm drain system adjacent to the site. The local storm drain system has adequate capacity to handle the incremental increase in storm and urban water run-off generated by this project.

- l. Result in significant alteration of receiving water quality during or following construction?

Response: There are no surface waters within the area in which the project is to be located. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not significantly affect receiving water quality.

- m. Could the project result in increased erosion downstream?

- n. Result in increased impervious surfaces and associated increased run-off?

- o. Create a significant adverse environmental impact to drainage patterns due to changes in run-off flow rates or volumes?

Response (m, n, o): There will be a less than significant change in absorption rates, drainage patterns, and in the rate or amount of surface run-off, as the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans, and approved by the Engineering Services Division, prior to the issuance of any permits and the commencement of construction.

- p. Tributary to other environmentally sensitive areas?

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- | | Significant Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
|--|--------------------------|--|------------------------------|-------------------------------------|
| If so, can it exacerbate already existing sensitive conditions? | | | | |
| q. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If so, can it result in an increase in any pollutant for which the water body is already impaired? | | | | |
| r. Have a potentially significant environmental impact on surface water quality to either marine, fresh or wetland waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (p, q, r): All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not affect existing environmentally sensitive areas or surface water quality.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| s. Have a potentially significant adverse impact on ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (s, t): No impact is anticipated to occur to groundwater, as the project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction proposed will not require substantial excavations or other extensive below-grade work or the use of large quantities of water.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| u. Impact aquatic, wetland, or riparian habitat? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Response: The project will not impact aquatic, wetland or riparian habitats as no such environments are located within the project area or in the immediate area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect any aquatic, wetland or riparian habitat.

V. AIR QUALITY

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Violate any air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Response: The project area, like all of the South Coast Air Quality Management District, is located in an extreme non-attainment area, with regard to Federal air quality standards. During the site improvement construction phase of the project, increased dust and odor levels are anticipated in the immediate project area. This type of impact is considered insignificant due to the temporary nature of the impact. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust. The permitted uses and operations anticipated in the project will not create the potential for significant amounts of air pollutants since all operations will take place within a

Negative Declaration for A-142-08-06 & CUP-242-08

	Potentially	Less than	
Significant	Significant	Significant	No
Impact	Unless	Impact	Impact
	Mitigated		

building and all operations will be required to meet all AQMD and Fire Department requirements for painting and repair of vehicles. There will be no long-term impacts to air quality.

- b. Expose sensitive receptors to pollutants?

Response: Temporary impacts (e.g., increased dust and odor levels) to sensitive receptors may occur during the construction phase of the project. This type of impact is considered insignificant due to its temporary nature. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust. There will be no long-term impacts to air quality since the project will comply with all AQMD and Fire Department requirements for painting and repair of vehicles.

- c. Alter air movement, moisture, or temperature, or cause any change in climate?

Response: The proposed project is not large enough in scale to alter air movement, moisture or temperature, or cause a change in the climate.

- d. Create objectionable odors.

Response: No objectionable odors will be created by the project. During construction, odors may occur within the area. This impact is not considered significant due to its temporary nature. The General Plan EIR addressed odors that would result of new construction. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors. No post-construction odors are anticipated from the commercial development of this site since the proposed use will be required to adhere to AQMD and Fire Department requirements for painting and repair of vehicles

VI. TRANSPORTATION

- a. Increased vehicle trips or traffic congestion?

Response: The project will result in additional traffic generation. However, the increase in daily trips is not considered significant when added to existing traffic volumes of adjacent roadways and arterials in the project vicinity. Adjacent public right-of-ways are fully developed and have sufficient carrying capacity to accommodate additional traffic that may be generated by the project. The circulation system is designed to accommodate future growth, as envisioned by the General Plan, and associated EIR.

- b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Response: As part of the project review, City staff evaluated vehicles and pedestrian safety, including review of access to the site, and on-site internal circulation to minimize pedestrian/vehicular conflicts both on-site and in the vicinity. The project's potential to result in adverse traffic or safety impacts is considered less-than-significant.

	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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c. Inadequate emergency access to nearby uses?

Response: The project does not propose elements or aspects that would obstruct or restrict emergency access to or through the area. In conjunction with the review and approval of building permits, the City of Garden Grove will review all plans to assure compliance with all applicable emergency access and safety requirements.

d. Insufficient parking capacity on-site or off-site?

Response: The project has been designed to comply with the minimum number of parking spaces required by the Municipal Code, which requires a total of 24 parking spaces. The project provides a total of 24 parking spaces.

e. Hazards or barriers for pedestrians or bicyclists?

Response: No construction is proposed that could create hazards or barriers for pedestrians and/or bicyclists.

f. Conflicts with adopted policies supporting alternative transportation?

Response: The project does not propose elements or aspects that would typically interfere with, or otherwise affect alternative transportation modes. Potential impacts in this regard, if any, are considered less-than-significant.

g. Rail, waterborne or air traffic impacts?

Response: There are no air or waterborne traffic corridors in the immediate area. The site is not located within a flight path for any airport.

VII. BIOLOGICAL RESOURCES

a. Endangered, threatened species, or their habitats (including but not limited to plants, fish, insects, animals, and birds)?

Response: The project site is located in a highly urbanized area. Therefore, endangered species are not expected to live in the area due to lack of suitable habitat.

b. Locally designated species (e.g., heritage trees)?

c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

Response (b, c): The site is devoid of native vegetation and there are no locally designated species and natural communities on the project site.

d. Wetland habitat (e.g., marsh, riparian and vernal pool)?

Response: There are no wetland habitats in the area of the project site.

e. Wildlife dispersal or migration corridors?

Potentially Significant Unless Mitigated Less than Significant Impact No Impact

Response: The project area does not serve as a dispersal and/or migration corridor as the area is within a highly urbanized area.

VIII. ENERGY AND MINERAL RESOURCES

- a. Conflict with adopted energy conservation plans.

Response: The proposed Zone Change and proposed entitlement for the expansion of the existing childcare facility is not in conflict with adopted energy conservation plans. The proposed childcare facility will be required to utilize energy conservation measures as part of the project construction.

- b. Use non-renewable resources in a wasteful and inefficient manner?

Response: All development on the project site is required to adhere to all State and City energy-conservation regulations, including energy efficient lighting, ventilation, and heating systems.

IX. HAZARDS

- a. A risk of accidental explosion or release of hazardous substances (e.g., oil, pesticides, chemicals, and radiation)?

- b. Possible interference with an emergency response plan or emergency evacuation plan?

- c. The creation of any health hazard or potential health hazard?

- d. Exposure of people to existing sources of potential health hazards?

Response (a, b, c, d): While there will be the use of paint and some adhesives will be used during the remodel of the existing building for the expansion of the childcare facility, no hazardous substances will be used during the operation of the childcare facility, therefore, no potential health hazards, created by the proposed project or use is anticipated since the storage of any hazardous materials used during construction will be required to conform to the City requirements for storage of hazardous substances. Due to the City's requirements for storage of hazardous materials (i.e., paint, oil, etc.), the project will not increase the risk of accidental explosion, release of hazardous substances, or create an interference with existing emergency response or evacuation plans.

- e. Increased fire hazard in area with flammable brush, grass, or trees?

Response: There are no anticipated physical changes that would increase fire hazards within the project area. All landscaping on the site is required to be permanently maintained.

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f. Would the project include new, or retrofitted, storm water Treatment Control BMPs (e.g., water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g., increase vectors and odors)?

Response: The project will not use new treatment BMPs that could create an increase in odors or vectors.

X. NOISE

a. Increases in existing noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response: Construction activities associated with the on-site development for the expansion of the childcare facility may temporarily increase noise levels, at noise-sensitive receptors, adjacent to the project site. However, with the temporary nature of the construction-related activities, and requirements for contractor compliance with County and City noise ordinances, noise impacts will be mitigated to a level of insignificance.

b. Exposure of people to extreme noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response: Construction noise will occur within the project area. Although construction noise could cause an annoyance for surrounding uses, due to the temporary nature of any construction activities and the fact that construction activities and future development would be required to adhere to the County and City noise Ordinances, the impact of extreme noise levels from any potential construction activities is considered to not be significant. Noise from the proposed use will not be extreme, as the all activities are limited and regulated by the Garden Grove Municipal Code.

XI. PUBLIC SERVICES

a. Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Response: The City of Garden Grove Fire Department currently provides emergency response service to the project area. The project is not likely to induce significant growth or result in substantial new demand for fire protection services.

However, new construction will occur and due to the nature of the uses, there will be a slight increase in the demand for fire protection services. In order to mitigate impacts, the development shall comply with the conditions of approval of the Fire Department, which include operational provisions required by the Fire Department that address proper storage of hazardous liquids as well as restrictions on exposure to and handling of flammable liquids. Compliance to the Fire Department conditions will further assist in reducing potential impacts.

b. Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response: The Garden Grove Police Department currently provides police protection in the area. The project is not likely to induce growth and or result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly increase demands for police protection.

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

c. Schools?

Response: The proposed development and associated Zone Change will not increase the number of housing units within the Garden Grove Unified School District and will not induce significant growth. Therefore, no impact to area schools is anticipated.

d. Maintenance of public facilities, including roads?

Response: The Public Works Department has reviewed the project and will require public facility improvements. The developer is required to construct a new drive approach that complies with City Standards.

e. Other governmental services?

Response: No additional governmental services will be required for this project.

XII. UTILITIES AND SERVICE SYSTEMS

a. Power or natural gas?

Response: There are no significant impacts to power or natural gas caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

b. Communication systems?

Response: There are no impacts to the communication system caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

c. Local or regional water treatment or distribution facilities?

Response: There are no impacts to water treatment or distribution facilities caused by this project. The infrastructure is existing and adequate to meet the demands of the area including those generated by the project.

d. Sewer or septic tanks?

Response: The Water Services Division has reviewed the project, and has determined that the area is not located in a sewer deficiency area. The existing sewer system is sufficient to accommodate the proposed development and therefore the potential impact is considered less than significant.

e. Storm water drainage?

Response: There are less than significant impacts to the existing utilities and services systems caused by this project. The existing systems are adequate to meet the demands of the area including those generated by this project.

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f. Solid waste disposal?

Response: Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contract. The project will provide a trash enclosures with trash bins that will serve the development, which will be sufficient to accommodate the project.

XIII. AESTHETICS

a. Affect on a scenic vista or scenic highway?

Response: The project area is not adjacent to any scenic vistas or highways. The physical improvements for this site will be compatible with the surrounding commercial neighborhood.

b. Have a demonstrable negative aesthetic effect?

Response: The project is considered visually and aesthetically appropriate for its context and does not represent a detrimental alteration of the existing visual attributes of the site or vicinity. As such, the potential for the project to have a demonstrable negative aesthetic effect is considered less-than-significant.

c. Create light or glare?

Response: The project is required to place lighting structures in a manner that will have minimal impacts to the abutting properties. All lighting is required to be directed, positioned, or shielded in such a manner to minimize any unreasonable illumination on to adjacent properties and roadways. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels.

XIV. CULTURAL RESOURCES

a. Disturb paleontological resources?

b. Disturb archaeological resources?

Response (a, b): There are no known paleontological and archaeological resources in the area. If unanticipated paleontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.

c. Affect historical resources?

Response: There are no known historical resources in the area. The Garden Grove General Plan Update notes 13 historically significant or potentially significant sites within the City limits. None of these sites is located in the project area.

d. Have the potential to cause physical change, which would affect structures of unique cultural or ethnic value?

Response: There are no structures or activities that have unique cultural or ethnic value. The project, therefore, will not have the potential to affect unique ethnic or cultural values.

- | | Significant Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
|---|--------------------------|--|------------------------------|-------------------------------------|
| e. Restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response: The proposed project is not in proximity to any known religious facilities or other sacred places. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

XV. RECREATION

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Affect existing recreation facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-b): The proposed project will not impact existing recreation facilities. Since the project is an addition to an existing commercial development the will be no increase in demand or need for additional neighborhood or regional parks or other recreational facilities.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. The project does not have impacts that are individually but cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable, when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Negative Declaration for A-142-08-06 & CUP-242-08

Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- d. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

XVII. EARLIER ANALYSIS

Earlier analyses may have been used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).

a. **EARLIER ANALYSIS:**

1. The City of Garden Grove General Plan Update
2. The City of Garden Grove Existing Condition Report
3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 93051015
4. Title 9 of the Garden Grove Municipal Code

b. **IMPACTS ADEQUATELY ADDRESSED:**

1. Geophysical
2. Hydrology and Water Quality
3. Transportation
4. Noise
5. Public Services

c. **MITIGATION MEASURES:**

All conditions of approval for Conditional Use Permit No. CUP-242-08 shall be adhered to, in order to mitigate negative impacts on the property or surrounding area.



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.

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

EXHIBIT "A"

Conditional Use Permit No. CUP-242-08 12672 and 12682 Brookhurst Street CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The applicant shall record a "Notice Of Agreement With Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Planning Commission.
2. Approval of this Conditional Use Permit shall not be construed to mean any waiver of: Applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by, any necessary permits or licenses required to conduct the use, in compliance with all applicable laws.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a Site Plan and/or Conditional Use Permit shall be filed which reflects the revisions made to, or changes to the design/placement of the new building.
4. The approved floor plan and the use of the subject property are integral parts of the decision approving this Conditional Use Permit application. There shall be no change in the design of the floor plan and the operation of the proposed childcare facility without the approval of the community Development Department. Any change in the approved floor plan or the use of the subject property, which has the effect of expanding or intensifying the proposed development, shall require the appropriate entitlement(s).
5. The approval of the subject Conditional Use Permit shall be contingent upon the City Council's approval of Amendment No. A-142-08. In the event that Amendment No. A-142-08 is not approved, this approval shall become null and void.

Engineering Services Division Conditions:

6. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities and contamination.
7. A separate street permit is required for work performed within the public right-of-way.
8. A grading plan prepared by a registered civil engineer is required. The plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces, and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements (if any).
9. The applicant shall be subject to Traffic Mitigation Fees.
10. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - Incorporates Treatment Control BMPs as defined in the DAMP.
 - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
11. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.

- Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
 - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
12. Remove existing driveway approaches along Brookhurst Street and reconstruct a new driveway approach in accordance with City Standard Plan No. B-120 in order to comply with the latest arterial street ingress and egress requirement.
 13. New trash enclosures shall be constructed per Garden Grove Standard Plan No. B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosure.
 14. All storm water shall be carried to a public street via parkway culverts. The parkway culverts shall be constructed per Orange County PF&RD Std. Plan 1309, Type B or approved equal.
 15. No food grinders in the kitchen shall be permitted. Any existing food grinders shall be removed.

Building Services Division Conditions:

16. The change in occupancy for the building shall comply with the 2007 California Building Codes. Structural plans and calculations shall be required if any interior bearing walls are removed.
17. The building plans, including grading and site development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.

Fire Department Conditions:

18. Submitted Plans shall comply with the 2007 Fire and Building Codes as well as any State or County requirements for childcare facilities. Plans shall be submitted to the Garden Grove Fire Department for review and approval prior to issuance of building permits.
19. If required, a fire hydrant shall be installed. Coordination for installation of a fire hydrant shall be with the City of Garden Grove Fire Department.

Community Development Department Conditions:

20. This approval shall be for the expansion of an existing childcare facility and shall be contingent upon City Council approval of Amendment No. A-142-08.

- The childcare facility shall be limited to a maximum of 95 students at any given time.
21. All on-site structures shall be painted to match. Color and material samples shall be reviewed and approved by the Planning Division prior to issuance of building permits.
 22. All exterior lights shall be reviewed and approved by the City's Planning Division. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences. Lighting shall be restricted to decorative type wall-mounted lights, or preferably, a ground lighting system. Parking area lighting shall be provided during the hours of darkness when the establishment is open at a minimum of two-foot candles of light on the parking surface, and a minimum of one-foot candle of light during all other hours of darkness. No pole-mounted lights shall be permitted along the easterly property line.
 23. A reciprocal parking and access agreement between the two properties shall be prepared and recorded prior final of any building permits.
 24. The parking lot shall be striped in substantial compliance with the submitted plans. Parking space striping shall conform to Garden Grove Standard Plan B-311.
 25. The front yard fencing shall be setback a minimum of 15'-0" from the front property line. Fencing surrounding both play areas shall match and be painted the same color.
 26. Any new roof top equipment shall be completely screened from public view. A line of site detail shall be included within plans submitted for building permit and shall be reviewed and approved by the Planning Division prior to issuance of a building permit. The mechanical equipment on the roof of the medical building shall be screened from public view. Final design of the screening shall be subject to Planning Division review and approval prior to issuance of building permits.
 27. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade.
 28. The applicant shall submit a complete, detailed landscape plan governing the entire development. The plan shall include type, size, location and quantity of all plant material. The plan shall include irrigation plans staking and planting specifications. The landscape plan is also subject to the following:

- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 - b. The applicant is and shall be responsible for installation and maintenance of all landscaping on the property and adjacent public parkway.
 - c. The plan shall provide a mixture of a minimum of ten (10) percent of the trees at 48-inch box, ten (10) percent of the trees at 36-inch box, fifteen (15) percent of the trees at 24-inch box and sixty (60) percent of the trees at 15-gallon. Remaining five (5) percent may be of any size.
 - d. Trees planted within ten (10) feet of any public right-of-way shall be planted in root barrier shield. All landscaping along street frontage adjacent to driveways shall be of the low height variety to ensure safe site clearance.
 - e. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan in order to ensure that proper landscape screening will be provided.
 - f. Landscaping along Brookhurst Street shall be in a hierarchical design incorporating trees, shrubs, and flowering ground covers.
 - g. A row of screening trees planted 20'-0" on center shall be planted along the entire easterly property line, adjacent to the single-family residential zone.
29. All landscaping shall be maintained in a healthy green growing condition. All paved areas shall be maintained at all times.
 30. The applicant/property owner shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-242-08 and their agreement with all conditions of approval.
 31. The property shall be maintained free of graffiti. Graffiti shall be removed from the premises and all parking lots under the control of the licensee and/or applicant/owner within 120 hours of occurrence or notice.
 32. During permitted hours of operation, noise generated by the operation shall not exceed 55 dBA as measures at the boundaries of the property.
 33. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:

- a. Monday through Saturday – not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays – may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
34. During construction the applicant/property owner shall comply with the following measures to contain fugitive dust as required by the City's General Plan EIR:
- a. Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures such as daily watering of soils, application of non-toxic soils stabilizers, replacement of ground cover in disturbed areas as soon as possible, suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour, and maintenance of a minimum two feet of freeboard on all trucks hauling dirt, sand, soil or other loose material.
 - b. Sweeping of streets near construction area.
 - c. Rinsing of wheels on construction vehicles prior to leaving construction area.
 - d. Paving of all construction access roads at least 100 feet onto the site from the main access points.
 - e. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
 - f. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
 - g. During construction, if paleontological or archaeological resources are found all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-142-08
CONDITIONAL USE PERMIT NO. CUP-242-08

APPLICANT: HAITHAM A. BUNDAKJI

LOCATION: EAST SIDE OF BROOKHURST STREET, NORTH OF STANFORD AVENUE AT 12620 TO
12732 BROOKHURST STREET

DATE: SEPTEMBER 18, 2008

REQUEST: A request by the city of Garden Grove to rezone the properties located at 12620, 12630, 12642, 12666, 12672, 12682, 12692, and 12732 Brookhurst Street, from OP (Office Professional) to C-1 (Neighborhood Commercial), in order to provide consistency between the General Plan Designation and the zoning. In conjunction with the request, the property owner of 12672 and 12682 Brookhurst Street is requesting Conditional Use Permit approval to expand an existing childcare facility. The proposed expansion includes combining both lots for parking and circulation, modifying the southerly property's building to accommodate such use, and expanding the play areas on these two lots. Staff report was read and recommended approval.

Vice Chair Pak asked staff if the single ingress/egress on Brookhurst Street would be wide enough for cars to enter and exit at the same time. Staff replied yes.

Commissioner Beard asked staff to confirm that, due to the median, there would be no left turns on Brookhurst Street. Staff replied yes.

Commissioner Bankson asked staff to clarify the Office Professional Use. Staff responded that the existing daycare use is nonconforming, however, prior to the zone change to Office Professional, the General Plan Land Use Designation was Light Commercial, which allowed the daycare facility to be conforming to the General Plan Land Use designation.

Vice Chair Pak asked staff to confirm that the other six O-P properties that would be changed to C-1 would be conforming. Staff replied yes, that the current uses are already allowed in the C-1 zone; and that in some instances, C-2 properties could be downgraded to C-1's, and the uses would be considered legal nonconforming.

Vice Chair Pak disclosed that he had a conversation with Mr. Bundakji, the applicant, and Karl Hill and Steve Jones, with regard to ownership and reciprocal parking for the 12672 and 12682 properties; and that recently, a quick-claim deed from the applicant's brother to the applicant had been signed and notarized for the 12672 property, however, the quick-claim has not been recorded at the County Recorder's office.

Chair Pierce opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Haitham Bundakji, the applicant, approached the Commission and submitted for their review, the notarized convenience deed, the quick-claim deed from his

brother, and a power of attorney. The documents were then returned to the applicant.

Chair Pierce asked the applicant if he had read and agreed with the Conditions of Approval. Mr. Bundakji replied yes.

Ms. Sang Ah Rhee, the business operator, approached the Commission.

Commissioner Beard asked Ms. Rhee to state the hours of operation. Ms. Rhee replied that the hours are 7:30 a.m. to 6:00 p.m. Monday through Friday.

Mr. Nhan Ban Nguyen and Mr. Joseph Pellerin, approached the Commission and expressed that Children of Light is one of the best schools there is; that there are impressive performances and concerts; and that there is a difference in education.

Mr. John Han, the general contractor, approached the Commission and commented that the building would be renovated with new landscaping, a new parking lot, a new HVAC, and a new performance hall; and that his client has a heart for this project.

Commissioner Kirkham asked Mr. Han to describe the barrier between the schoolyard and the street. Mr. Han replied that a tubular fence would be installed.

Staff added that the fence would be situated fifteen feet from the property line; that one facility already has the playground in front; that the State and County do not have other requirements with regard to types of barriers; and that the cars would be traveling away from the development.

Ms. Thanh Ly approached the Commission and expressed that the school fits into her schedule as a working mother and that while her children attend they receive art education.

There being no further comments, the public portion of the hearing was closed.

Commissioner Bankson asked staff to clarify if the school is required to be inspected once a year under its Conditional Use Permit. Staff replied that typically only alcohol CUP's require the one-year review, however, if problems were to arise, Code Enforcement would be sent out; that a State license is required and unannounced inspections would be done; and that regular inspections would be performed by the Fire Department with regard to safety issues.

Vice Chair Pak asked staff if there are designated parking areas for drop-off and pick-up of children. Staff replied that there is not a specific area, however, this would occur mainly in the front parking lot.

Commissioner Beard commented that this project would provide consistency to the General Plan zoning; and that there is a need for pre-school childcare.

Commissioner Kirkham agreed that this type of school is necessary; and that it is good the school is expanding.

Vice Chair Pak commented that the testimony is an indication that the children will have a place to grow and that he supports the project.

Commissioner Nguyen commented that the children are the future of the country and that education is important.

Commissioner Beard moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-142-08 to City Council, and approve Conditional Use Permit No. CUP-242-08, seconded by Commissioner Bankson. The motion received the following vote:

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING CODE AMENDMENT NO. A-142-08, CHANGING THE ZONING DESIGNATION FROM O-P (OFFICE PROFESSIONAL) TO C-1 (NEIGHBORHOOD COMMERCIAL).

WHEREAS, the case, initiated by City of Garden Grove, proposes to rezone eight (8) properties located on the east side of Brookhurst Street, north of Stanford Avenue, from O-P (Office Professional) to C-1 (Neighborhood Commercial) in order to provide consistency between the General Plan land use designation and zoning of the properties pursuant to State Law. The properties are located at 12620, 12630, 12642, 12666, 12672, 12682, 12692, and 12732 Brookhurst Street, Parcel Nos. 089-222-22, 30, 31, 40, 41, 48, 49, and 60; and,

WHEREAS, the Planning Commission, at a public hearing held on September 18, 2008, adopted a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for this project and for Conditional Use Permit No. CUP-242-08; and

WHEREAS, pursuant to Resolution No. 5649, the Planning Commission, at a public hearing held on September 18, 2008, recommended approval of Amendment No. A-142-08; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on November 25, 2008, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City of Garden Grove City Council, in regular session assembled on November 25, 2008, does hereby adopt a Negative Declaration for land located on the east side of Brookhurst Street, north of Stanford Avenue, at 12620, 12630, 12642, 12666, 12672, 12682, 12692, and 12732 Brookhurst Street, Parcel Nos. 089-222-22, 30, 31, 40, 41, 48, 49, and 60.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Garden Grove City Council has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council 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. City of Garden Grove City Council 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 Negative Declaration reflects the independent

judgment and analysis of the Garden Grove City Council. Therefore, City of Garden Grove City Council adopts the Negative Declaration.

Section 2. Amendment No. A-142-08 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5649, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

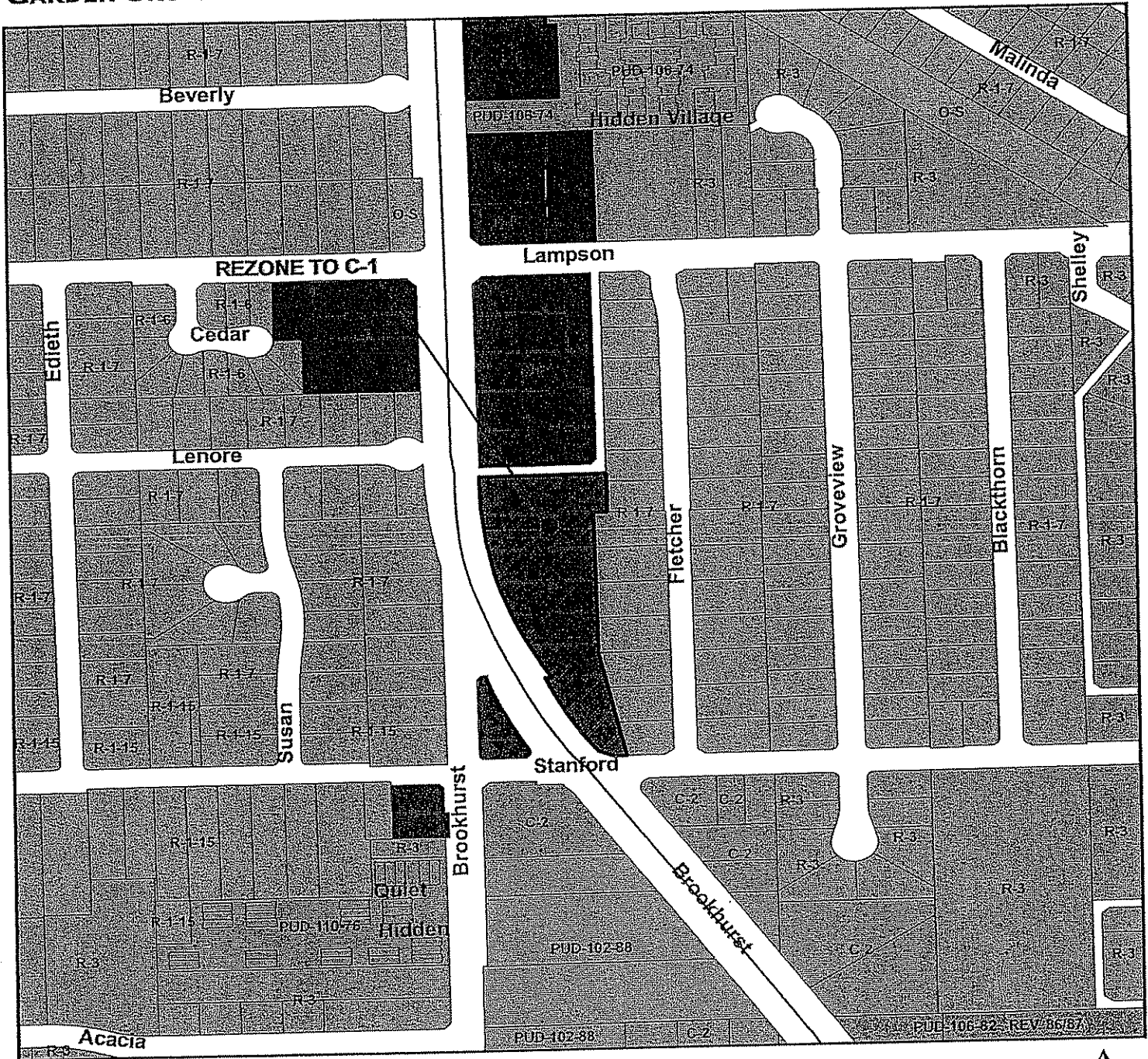
Section 3. The property shown on the map attached hereto is rezoned to C-1 (Neighborhood Commercial) as shown thereon. Zone Map part N-11 is amended accordingly.

Section 4. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.




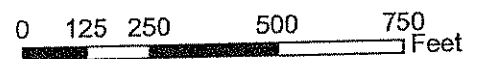
AMENDMENT NO. A-142-08

GARDEN GROVE



LEGEND

 PROJECT SITE - 12620 - 12732 BROOKHURST ST.



NOTES

1. GENERAL PLAN: LIGHT COMMERCIAL.
2. ZONE CHANGE: FROM OP (OFFICE PROFESSIONAL) TO C-1 (NEIGHBORHOOD COMMERCIAL)

CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 SEPTEMBER 2008