

[DRAFT]

RESOLUTION NO. PC2005-

A RESOLUTION OF THE ANAHEIM PLANNING COMMISSION
RECOMMENDING THAT CITY COUNCIL (A) CERTIFY FINAL
ENVIRONMENTAL IMPACT REPORT NO. 331, (B) ADOPT A
STATEMENT OF FINDINGS OF FACT AND A STATEMENT OF
OVERRIDING CONSIDERATIONS AND (C) ADOPT MITIGATION
MONITORING PROGRAM NO. 137.

WHEREAS, the Anaheim Planning Commission did receive verified Petitions for an amendment to the City of Anaheim General Plan and an amendment to the Mountain Park Specific Plan No. 90-4 (including an amendment to the Zoning and Development Standards set forth in Chapter 18.112 of the Anaheim Municipal Code), for certain real property situated in the City of Anaheim, County of Orange, State of California, more particularly described as set forth in Attachment 1 to this Resolution and incorporated herein as if set forth in full; and

WHEREAS, said project is subject to compliance with the provisions of the California Environmental Quality Act of 1970, as amended, ("CEQA") and the State of California Guidelines for the implementation of the California Environmental Quality Act (the "State CEQA Guidelines") since said project requires approval of the following proposed discretionary actions by the City of Anaheim: (i) General Plan Amendment No. 2005-00436 and (ii) Amendment No. 1 to the Mountain Park Specific Plan No. 90-4 (including amendments to the Zoning and Development Standards set forth in Chapter 18.112 of the Anaheim Municipal Code), which actions shall hereafter be collectively referred to herein as the "Proposed Actions"; and

WHEREAS, the Planning Commission did hold a public hearing at El Rancho Middle School, in the City of Anaheim on July 27, 2005, at 6:00 p.m., notice of said public hearing having been duly given as required by law and in accordance with the provisions of the Anaheim Municipal Code, Chapter 18.60, to hear and consider evidence for and against said Proposed Actions and to investigate and make findings and recommendations in connection therewith; and

WHEREAS, the City of Anaheim is the lead agency for the preparation and consideration of environmental documents for said Proposed Actions, as defined in CEQA and the State CEQA Guidelines; and

WHEREAS, the City of Anaheim has prepared, or caused to be prepared, Draft EIR ("DEIR") No. 331 to serve as the environmental documentation for the Proposed Actions and the related actions to implement Amendment No. 1 to the Mountain Park Specific Plan, and has consulted with other public agencies, and the general public and given them an opportunity to comment on said DEIR as required by the provisions of CEQA and the State Guidelines, as more fully described in the Staff Report to the Planning Commission dated July 27, 2005, which is incorporated herein by this reference; and

WHEREAS, the City of Anaheim has evaluated the comments received from public agencies and persons who reviewed DEIR No. 331 and has prepared responses to the comments received during the public review period; and

WHEREAS, said comments and recommendations received on said DEIR; a list of persons, organizations and public agencies commenting on the DEIR; and the responses of the City of Anaheim to significant environmental points raised in the review and consultation process have been included in DEIR No. 331 in a Response to Comments document dated July 19, 2005; and

WHEREAS, DEIR No. 331, the Response to Comments document dated July 19, 2005, Mitigation Monitoring Program No. 137 and all documents submitted as part of the public record on DEIR No. 331 form the Final EIR for said project as required by Section 15132 of the State CEQA Guidelines ("FEIR No. 331"); and

WHEREAS, the City of Anaheim has prepared a draft Statement of Findings of Fact and a Statement of Overriding Considerations relating to FEIR No. 331 in conformance with the requirements of CEQA and the State Guidelines; and

WHEREAS, the City of Anaheim desires and intends to use FEIR No. 331 as the environmental documentation required by CEQA and the State CEQA Guidelines for each of the above referenced Proposed Actions and the anticipated related implementing actions to the extent authorized by law; and,

WHEREAS, said FEIR and Statement of Findings of Fact and Statement of Overriding Considerations has been presented to and independently considered by the Planning Commission of the City of Anaheim for review and consideration prior to the final approval of, and commitment to, said project; and

WHEREAS, said FEIR and Statement of Findings of Fact and Statement of Overriding Considerations and the Proposed Actions will be scheduled for a duly noticed public hearing before the Anaheim City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Anaheim that the Planning Commission, based upon its review of the Proposed Actions, FEIR No. 331, and the Statement of Findings of Fact and Statement of Overriding Considerations, and having considered evidence presented at the public hearing on the Proposed Actions, does hereby recommend that the City Council, as lead agency for the Proposed Actions, independently review and analyze FEIR No. 331 and find that it reflects the independent judgment of the City Council, and unless additional or contrary information is received during the City Council's public hearing on the Proposed Actions, certify FEIR No. 331 and adopt the attached Statement of Findings of Fact and Statement of Overriding Considerations, a copy of which is attached hereto marked Exhibit 1 to this Resolution, and incorporated herein by this reference as if set forth in full herein; and, further, determine the following: that the Proposed Actions are within the scope of FEIR No. 331; that FEIR No. 331 has been completed in compliance with CEQA and the State and City CEQA Guidelines; and, that FEIR No. 331 is adequate to serve as the required environmental documentation for the Proposed Actions.

BE IT FURTHER RESOLVED that pursuant to Section 21081.6 of the Public Resources Code, the Planning Commission hereby recommends that the City Council adopt that certain monitoring program described as "Mitigation Monitoring Program No. 137", and incorporating certain recommended clarifications as identified in an Errata to said Mitigation Monitoring Program as attached and hereto marked Exhibit 3, to mitigate or avoid significant effects on the environment to ensure compliance during project implementation, a copy of which Program is attached hereto marked Exhibit 2 to this Resolution, and incorporated herein by this reference as if set forth in full herein.

THE FOREGOING RESOLUTION was adopted at the Planning Commission meeting of July 27, 2005. Said resolution is subject to the appeal provisions set forth in Chapter 18.60, "Zoning Provisions – General" of the Anaheim Municipal Code pertaining to appeal procedures and may be replaced by a City Council Resolution in the event of an appeal.

CHAIRMAN, ANAHEIM PLANNING COMMISSION

ATTEST:

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, Eleanor Morris, Senior Secretary of the Anaheim Planning Commission, do hereby certify that the foregoing resolution was passed and adopted at a meeting of the Anaheim Planning Commission held on July 27, 2005, by the following vote of the members thereof:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of
_____, 2005.

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION