

ORDINANCE NO. 2850

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-008-2014, A CODE AMENDMENT TO ALLOW AN ART GALLERY/RETAIL BUSINESS WITH TATTOO ART STUDIO USE IN THE CC-2 (CIVIC CENTER- MAIN STREET) ZONE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

**City Attorney Summary**

***This Ordinance approves text amendments to Chapters 9.04 and 9.18 of Title 9 of the Garden Grove Municipal Code to permit a newly defined use, "Art Gallery/Retail Business with Tattoo Art Studio", in the CC-2 (Civic Center-Main Street) zone subject to Conditional Use Permit approval and specified special operating conditions and development standards.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the subject case, initiated by Kurtis Gibson of Black Umbrella Art Studio, proposes to amend Chapters 9.04 and 9.18 of Title 9 of the Garden Grove Municipal Code to permit a newly defined use, "Art Gallery/Retail Business with Tattoo Art Studio", in the CC-2 (Civic Center – Main Street) zone subject to Conditional Use Permit approval and specified special operating conditions and development standards;

WHEREAS, on June 19, 2014 and July 17, 2014, pursuant to a legal notice, a Public Hearing before the Planning Commission was opened and held, and all interested persons were given an opportunity to be heard;

WHEREAS, on July 17, 2014, following the Public Hearing the Planning Commission adopted Resolution No. 5828-14 recommending approval of Amendment No. A-008-2014;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on August 26, 2014, and all interested persons were given an opportunity to be heard;

WHEREAS, on August 26, 2014, the Garden Grove City Council held a Public Hearing to consider Amendment No. A-008-2014 and acted to not approve it;

WHEREAS, on November 11, 2014, the City Council voted to agendize for consideration the rescission of its August 26, 2014, action to not approve Amendment No. A-008-2014;

WHEREAS, the City Council considered and voted to rescind its action of August 26, 2014, to not approve Amendment No. A-008-2014;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on December 9, 2014, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-008-2014:

A. In conjunction with the associated Amendment, the proposed Art Gallery/Retail Business with Tattoo Art Studio will be consistent with the City's General Plan. The Civic Center (CC) zones implement the Civic Center Mixed Use Land Use Designation of the General Plan, which looks for a mix of civic, institutional, educational, commercial, high-density residential, and open space uses within a pedestrian-oriented district. The CC-2 (Civic Center – Main Street) zone is applied to the one-block of Main Street and allows for residential units above commercial units in conjunction with a wide range of commercial uses. These commercial uses include art, craft, and photography studios, bed and breakfast use, art galleries, hardware stores, drug stores, brewpubs, and bicycle sales, to name a few. The proposed Art Gallery/Retail Business with Tattoo Art Studio will be in keeping with the types of uses permitted in the area.

B. The proposed Code Amendment promotes the public interest, health, safety, and welfare. The new use will add to the mix of commercial uses and encourage new activity and customers on Main Street. The requirement that "art gallery/retail business with tattoo art studio" uses be subject to a Conditional Use Permit will ensure that there is a reasonable degree of compatibility between the proposed use and the surrounding properties and ensure that the new use will not disrupt the operation of the existing commercial uses on Main Street or the historic character of the buildings along this important one-block area. The proposed use is specifically intended to maintain an interesting use at the front of a tenant space, with the art gallery in that location to encourage pedestrian comparison-shopping. The tattoo art studio component will be in the middle or back of the tenant space and is intended to generate customers for both the art gallery and the other shops and restaurants along the street. Hours of operation and building façade appearance will be regulated through the Conditional Use Permit process. Individual proposals for an art gallery/retail business with tattoo art studio will be reviewed through a conditional use permit. The conditional use permit process allows for review of a business' operation plan and tailors the conditions of approval to each unique site. Adherence to the conditions of approval will ensure the public interest, health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct and hereby incorporated herein by reference.

**SECTION 2:** The City Council finds that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the proposed Code Amendment will have a significant effect on the environment. More specifically, the Code Amendment will allow a use in an area with similar uses that will be regulated by special operating conditions and development standards, and conditions of approval for each individual location.

**SECTION 3:** Amendment No. A-008-2014 is hereby approved, pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5828-14, 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 4:** Subsection C.9 of Section 9.04.060: (Definitions) of Chapter 9.04 of Title 9 of the Garden Grove Municipal Code is hereby amended to include the following definition: **'Art Gallery/Retail Business with Tattoo Art Studio'** means a tenant space that has an Art Gallery/retail store in the front portion of the building/space including the storefront and any displays within the storefront and a Tattoo Art Studio that is limited to a maximum of 30% of the gross floor area. The Art Gallery/Retail Store shall have at least 20% more floor area than the Tattoo Art Studio and shall provide art for sale in a variety of mediums and styles, the displays and content of which shall be periodically changed, and at no time shall the art be sample designs for tattoos.

**SECTION 5:** Table 9.18-1 entitled "Use Regulations for the Mixed Use Zones" of Chapter 9.18 of Title 9 of the Garden Grove Municipal Code is hereby amended to add "Art Gallery/Retail Business with Tattoo Art Studio" as follows:

<b>Mixed Zones</b>	<b>Use</b>	<b>GGMU -1, -2, and -3</b>	<b>CC-1</b>	<b>CC-2</b>	<b>CC-3</b>	<b>-OS</b>	<b>NMU</b>	<b>AR</b>
	<b>Art Gallery/Retail Business with Tattoo Art Studio</b>			C*				

\* Use shall be subject to special conditions for specific restrictions as listed in this Section.

**SECTION 6:** Section 9.18.030: Specific Uses - Special Operating Conditions and Development Standards of Chapter 9.18 of Title 9 of the Garden Grove Municipal Code is hereby amended to add specific standards for an Art Gallery/Retail Business with a Tattoo Art Studio. The new standards shall be added after Section 9.18.030.040 Arcades and Incidental Amusement Devices and be numbered Section 9.18.030.041. The special conditions/standards to be added shall be:

Section 9.18.030.041 Art Gallery and/or Retail Trade business with a Tattoo Art Studio. Subject to the following requirements:

1. The Art Gallery/Retail Business shall be located at the front of the store, including the storefront and any displays within the storefront.
2. Tattoo Art Studio portion of the business is limited to a maximum of 30% of the gross floor area of the entire tenant space.
3. The Art Gallery/Retail Business shall have more floor area than the Tattoo Art Studio (at least 20% more square footage than the Tattoo Art Studio).
4. The Art Gallery/Retail Business shall be staffed and have changing art displays in a variety of mediums and styles for sale. The art displayed shall be changed at least every three months.
5. At no time shall the art in the Art Gallery be sample sketches ("tattoo flash") for tattoos. However, paintings and other medium that employ tattoo motifs shall be allowed.
6. An Art Gallery/Retail Business with Tattoo Art Studio shall not be located within 500 feet of another such use.
7. An Art Gallery/Retail Business with Tattoo Art Studio shall not be located within 500 feet of a school.
8. Required parking for the tattoo portion of the business shall be in a ratio of 1 space for every 200 square feet of gross floor area. Art studios and galleries are parked at 1 space for every 500 square feet of gross floor area.
9. Proposed Art Gallery/Retail Business with Tattoo Art Studio uses shall be reviewed based on their individual site.

SECTION 7: Table 9.18-11 Required Parking Spaces (for Mixed Use zones) of Chapter 9.18 of Title 9 Garden Grove Municipal Code shall be modified, under the Commercial Uses section and immediately after Art Studios and galleries as follows:

9. Art Gallery/Retail Business with Tattoo Art Studio	The Art Gallery portion of the business and service areas shall be parked at 1 space for every 500 square feet of gross floor area and the Tattoo Art Studio shall be parked at 1 space for every 200 square feet of gross floor area.
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SECTION 8: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 9: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on December 9, 2014, with a vote as follows:

AYES: COUNCIL MEMBERS: (4) BEARD, BUI, JONES, NGUYEN  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE  
ABSTAIN: COUNCIL MEMBERS: (1) PHAN