

ORDINANCE NO. 2736

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-140-08, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE SECTION 9-162.17 TO ALLOW BANQUET FACILITIES WITH LIVE ENTERTAINMENT AND DANCING AS AN INCIDENTAL USE TO A FULL SERVICE RESTAURANT IN THE HCSP-DC (HARBOR CORRIDOR SPECIFIC PLAN – DISTRICT COMMERCIAL) ZONE, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT

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

WHEREAS, the case, initiated by Thao Phoung Thi Vu, is proposing an amendment to Title 9 of the Garden Grove Municipal Code Section 9-162.17 – Harbor Corridor Specific Plan to allow banquet facilities with live entertainment and dancing as an incidental use to a full service restaurant in the HCSP-DC (Harbor Corridor Specific Plan – District Commercial) zone, subject to the approval of a Conditional Use Permit; and

WHEREAS, the project will not have a significant adverse effect on the environment; therefore, the City Council of the City of Garden Grove does hereby adopt a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for land located on the west side of Harbor Boulevard, between Buaro Street and Palm Street at 12821 Harbor Boulevard, Parcel No. 231-421-05. Further, the City Council finds a de minimis impact in relation to fish and game; and

WHEREAS, pursuant to Resolution No. 5643 the Planning Commission, at a duly advertised Public Hearing, recommended approval of Amendment No. A-140-08 on September 4, 2008; and

WHEREAS, pursuant to a Legal Notice, a Public Hearing was held by the City Council on November 11, 2008, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council of the City of Garden Grove gave due and careful consideration to the matter.

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

SECTION 1: The City Council of the City of Garden Grove has considered the proposed Negative Declaration together with the comments received during the public review process. The record of proceedings on which the 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 who maintains the record of proceedings at 11222 Acacia Parkway, Garden Grove. The City Council of the City of Garden Grove 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 City Council's independent judgment and analysis. Therefore, City Council of the City of Garden Grove adopts the Negative Declaration.

SECTION 2: Amendment No. A-140-08 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5643, 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 Regulations and Standards in the HCSP-DC Code Section on page 9-162.17 (Permitted Uses) are modified as follows:

Restaurants

Restaurants, with entertainment, subject to the following:

- (a) Conditional Use Permit required.
 - (b) Restaurant shall be at least 4,000 square feet in area.
 - (c) Banquet facility with or without dancing shall be incidental to restaurant use.
 - (d) Entertainment shall be incidental to restaurant use, such as background music.
- (Added by Ordinance No. 2276, dated September 28, 1993.)

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.

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 and presented on November 11, 2008, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, JONES, NGUYEN, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE