

ORDINANCE NO. 2761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-149-09, AN AMENDMENT TO THE BROOKHURST CHAPMAN SPECIFIC PLAN – BROOKHURST CHAPMAN COMMERCIAL (BCSP-BCC) ZONE, TO ALLOW A CHILDREN’S LEARNING CENTER AS A NEW USE

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

WHEREAS, the case, initiated by Davis Alexander, is requesting approval of an Amendment to the Brookhurst Chapman Specific Plan – Brookhurst Chapman Commercial (BCSP-BCC) Zone to allow a Children’s Learning Center with Conditional Use Permit approval. The site is located on the east side of Brookhurst Street, south of Chapman Avenue, at 12196 Brookhurst Street, Parcel No. 089-453-42;

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 Amendment No. A-149-09, for property located on the east side of Brookhurst Street, south of Chapman Avenue, at 12196 Brookhurst Street, Parcel No. 089-453-42;

WHEREAS, pursuant to Resolution No. 5696 the Planning Commission, at a duly advertised Public Hearing held on October 15, 2009, recommended approval of Amendment No. A-149-09;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on November 24, 2009, and all interested persons were given an opportunity to be heard; and

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

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

SECTION 1. Amendment No. A-149-09 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5696, 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 2. Section 9383 establishes uses that are allowed in the Brookhurst Chapman Specific Plan – Brookhurst Chapman Commercial (BCSP-BCC) Zone. With the addition of Children’s Learning Centers, the uses allowed shall be modified as follows:

9383. Permitted Uses – Brookhurst Chapman Commercial (BCC) Zone. Uses permitted in the Brookhurst/Chapman Commercial are:

(Change shown in bolded text)

All uses permitted in the Office/Financial (OF) and Office/Entertainment (OE) Zones

Art Galleries, Automobile Accessory Stores (installation permitted with Conditional Use Permit), Bakeries, Bakeries Retail, Barber Shops, Book or Stationary Stores, Boutiques, Camera Shops, **Children’s Learning Centers (subject to the approval of a Conditional Use Permit)**, Christmas Tree Sales Lot, Clothing Stores, Confectionaries, Decorator and home accessory shops, Delicatessens (off-sale beer and wine only), Dress Making or Millinery Shops, Drug Stores, Dry Cleaners, Dry Goods or Notion Stores, Electronic Goods, Florist Shops, Furniture Stores (retail), Gift and Novelty Shops, Grocery or Fruit Stores, Hardware Stores, Hobby Stores, Ice Cream Parlors, Import and Art Objects Stores, Jewelry Stores, Laundry Agencies and Clothes Cleaning Agencies, Leather Goods Stores, Limited Print Shops, Liquor Stores, Meat Markets or Delicatessen Stores, Music Stores, Nurseries, Open Air Cafes (subject to the approval of a Conditional Use Permit), Outdoor Food Vendors (subject to the approval of a Conditional Use Permit), Paint Stores, Pet Stores, Restaurants, Service Stations (subject to the approval of a Conditional Use Permit), Shoe Repair Shops, Shoe Stores, Sporting Goods Stores, Stationers and Card Shops, Tailors, Television and Radio Sales, Theaters (subject to the approval of a Conditional Use Permit), Tobacco Shops, Travel Bureau.

SECTION 3. Severability. 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 4. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall

be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance; and, within fifteen (15) days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____ 2009.

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 24, 2009, with vote as follows:

AYES: COUNCIL MEMBERS: (4) BROADWATER, DO, JONES, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) NGUYEN