

ORDINANCE NO. 2807

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT
NO. A-164-11, A CODE AMENDMENT TO ALLOW "INDOOR SPORTS FACILITY" AS A
PERMITTED USE IN THE PUD-104-70 (PLANNED UNIT DEVELOPMENT) ZONE,
SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

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

WHEREAS, the case, initiated by Next Level Sports Complex, LLC, is requesting approval to amend the Planned Unit Development No. PUD-104-70 zone to add "Indoor Sports Facility" as a permitted use, subject to Conditional Use Permit approval, in conjunction with a request for Conditional Use Permit approval to operate a new indoor sports facility, Next Level Sports Complex, within an existing 100,800 square foot building, located at 12821 Knott Street, Garden Grove;

WHEREAS, that pursuant to the California Environmental Quality Act, California Public Resources Section 21000 et. seq. (CEQA) and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 15000 et. seq., an initial study was prepared and it has been determined that the proposed Project qualifies for a Negative Declaration because the proposed Project cannot, or will not, have significant adverse effect on the environment. The Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines;

WHEREAS, pursuant to Resolution No. 5752-11 the Planning Commission at a duly advertised Public Hearing, recommended adoption of the Negative Declaration and approval of Amendment No. A-164-11 on November 17, 2011;

WHEREAS, pursuant to the whole record before it, including the initial study and comments received, the Planning Commission found that there is no substantial evidence that the Project will have a significant effect on the environment;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on December 13, 2011, 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-164-11 is hereby approved and the Negative Declaration adopted pursuant to the facts and reasons stated in Planning Commission Resolution No. 5752-11, 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. The Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment). The City Council approves Amendment No. A-164-11 as follows:

The Permitted Uses section is found under Section 3.i. (Permitted Uses and Performance Standards) for PUD-104-70. The conditions of approval for PUD-104-70 is modified by adding condition (m) as follows:

- (m) An Indoor Sports Facility may be permitted in the PUD-104-70 zone, subject to Conditional Use Permit approval.

Indoor Sports Facility subject to the following requirements:

- (1) At no time shall an indoor sports facility impede the normal functions of the permitted uses in the zone in which it is located.
- (2) Required parking is determined by the Community Development Department through the review of a Parking Study prepared by a licensed traffic engineer.
- (3) The Parking Study shall take into account all aspects of the proposed operation. There can be significant differences in the number of parking spaces for instance between league play and tournament play. Among the variables to be considered are the different requirements for different leagues including the number of players on teams, number of officials necessary, and team scheduling.
- (4) Proposed indoor sports facilities shall be reviewed based on their proposed operation and individual site. A complete description of the operation shall be submitted and shall include, but not be limited to, the type of sports, the name of the leagues and their requirements, all proposed tournaments or special sporting events proposed, an accounting coaches and officials, and any accessory uses.

Section 3. The City Council of the City of Garden Grove has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City Council of the City of Garden Grove 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 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 City Council further finds that the adoption of the Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, the City Council of the City of Garden Grove adopts the Negative Declaration.

Section 4. 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 5. 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 and presented on December 13, 2011, with a vote as follows:

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