

ORDINANCE NO. 2820

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT NO. A-168-12, CHANGING THE ZONING DESIGNATION OF THE SUBJECT PROPERTY LOCATED AT 12332 BROOKHURST STREET AND IDENTIFIED AS ASSESSOR'S PARCEL NOS. 089-362-01 AND 02, FROM C-1 (NEIGHBORHOOD COMMERCIAL TO C-2 (COMMUNITY COMMERCIAL)

**City Attorney Summary**

***This Ordinance approves a zone change and corresponding amendment to the City's Zone Map with respect to property located at 12332 Brookhurst Street and identified as Assessor's Parcel Nos. 089-362-01 and 02, to change the zoning designation from C-1 (Neighborhood Commercial) to C-2 (Community Commercial), in order to facilitate the permitting of live entertainment in the form of karaoke/one-man band with amplified sound and a stage in conjunction with operation of an existing restaurant on the property.***

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

WHEREAS, the subject case, initiated by Trong That Ton, requests approval of a Zone Change for property located at 12332 Brookhurst Street and identified as Assessor's Parcel Nos. 089-362-01 and 02, from C-1 (Neighborhood Commercial) to C-2 (Community Commercial), in conjunction with a request to modify the Conditions of Approval of an existing Conditional Use Permit to permit live entertainment in the form of karaoke/one-man band with amplified sound and a stage in conjunction with operation of an existing restaurant on the subject site;

WHEREAS, the subject site has a General Plan Land Use Designation of Light Commercial and is currently zoned C-1 (Neighborhood Commercial);

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et. seq.*, and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 *et. seq.*, an initial study has been prepared for the project, and it has been determined that the proposed project qualifies for a Negative Declaration because the proposed project cannot, or will not, have a significant effect on the environment;

WHEREAS, the Negative Declaration was prepared and circulated in accordance with applicable law, including the CEQA guidelines;

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed Public Hearing on July 5, 2012, and considered all oral and written testimony presented regarding the initial study, the Negative Declaration, and the project;

WHEREAS, following a Public Hearing held on July 5, 2012, the Planning Commission (i) adopted Resolution No. 5771-12 recommending City Council adoption of the Negative Declaration and approval of Amendment No. A-168-12, and (ii) adopted Resolution No. 5772-12, approving Conditional Use Permit No. CUP-575-01 (Rev. 12), subject to City Council approval of Amendment No. A-168-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on August 28, 2012, and all interested persons were given an opportunity to be heard; and

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

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-168-12:

A. The amendment is internally consistent with the goals, policies, and elements of the General Plan. The subject site has a General Plan Land Use Designation of Light Commercial (LC). The LC land use designation includes a variety of retail service establishments, including restaurants, and is implemented through both the C-1 (Neighborhood Commercial) and C-2 (Community Commercial) zoning districts. An "Eating Establishment/Restaurant with Entertainment" use is permitted in the C-2 (Community Commercial) zone, subject to Conditional Use Permit approval. Accordingly, rezoning the subject site from C-1 to C-2 would be consistent with the Light Commercial General Plan Land Use Designation and the associated goals and policies of the General Plan.

B. The subject parcels are physically suitable for the requested land use designation and the proposed Zone Change will ensure a degree of compatibility with surrounding properties and land uses and will maintain and promote the public interest, health, safety, and welfare. The subject property has sufficient land area for the uses permitted under the C-2 (Community Commercial) zone, and the application of the appropriate Title 9 provisions for site landscaping, parking areas, vehicular access, and noise, along with other requirements applicable to those uses permitted in the C 2 zone, will ensure that the proposed Zone Change will have a reasonable degree of compatibility with surrounding uses and will not adversely affect the public 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.

SECTION 2. The City Council has considered the proposed Negative Declaration together with comments received during the Public Hearing process. The record of proceedings on which the City Council's decision is based is located at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

The custodian of record of proceedings is the City Clerk. The City Council finds on the basis of the 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 3. Amendment No. A-168-12 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5771-12, a copy of which is on file in the City Clerk's Office, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 4. The subject property, located at 12332 Brookhurst Street and identified as Assessor's Parcel Nos. 089-362-01 and 02, and shown on the map attached hereto, are hereby rezoned from C-1 (Neighborhood Commercial) to C-2 (Community Commercial). Zone Map part N10 is amended accordingly.

SECTION 5. 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 6. 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 )

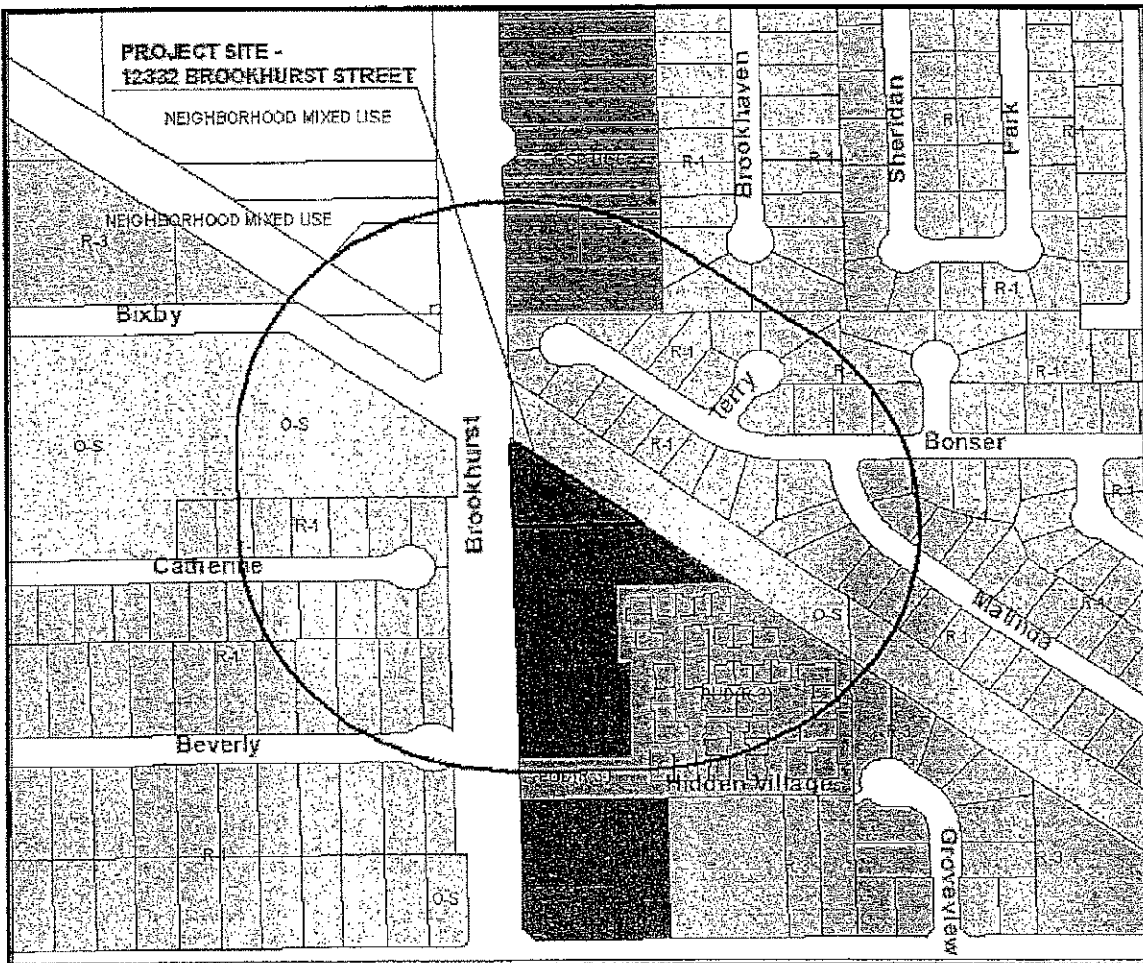
I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on September 11, 2012, with a vote as follows:

AYES: COUNCIL MEMBERS: (3) BEARD, BROADWATER, JONES  
NOES: COUNCIL MEMBERS: (1) DALTON  
ABSENT: COUNCIL MEMBERS: (1) NGUYEN




# AMENDMENT NO. A-168-12

CONDITIONAL USE PERMIT  
 NO. CUP-575-01 (REV.12)



**LEGEND**

 PROJECT SITE - 12332 BROOKHURST STREET

 500 FEET RADIUS



**NOTES**

1. GENERAL PLAN: LIGHT COMMERCIAL
2. ZONE: C-1 (NEIGHBORHOOD COMMERCIAL)

CITY OF GARDEN GROVE  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 GIS SYSTEM  
 MARCH 2012